



Presidential candidate Jesse Jackson spoke to a crowd of 2,500 in Union Square Tuesday.

By Matthew J. Lee

Jackson rallies Reaganbusters

By Bruce Williams

Singing, clapping and dancing may seem a curious method of registering voters, but SF State student "Reaganbusters" proved the technique works — at least when the Rev. Jesse Jackson joins the revelry. Wearing "Reaganbust" T-shirts and singing anti-Reagan slogans to the theme song of the movie "Ghostbusters," about 10 SF State students performed on stage with a smiling Jesse Jackson Tuesday.

Jackson, on a one-day voter registration drive in the Bay Area, also spoke at Laney College in Oakland and the Antioch Baptist Church in San Jose.

Nearly all the students who enjoyed the limelight with Jackson were members of the SF State chapter of Students Against Reaganism

(STAR). STAR, an organization working to defeat President Ronald Reagan in the Nov. 6 election, has capitalized on the movie "Ghostbusters" by creating a new name for their members — "Reaganbusters."

Jackson also donned a "Reaganbusters" T-shirt with a logo similar to the one from the film, during his 35-minute appearance at the rally.

During his speech, which was primarily a plea to get people to register and vote for Mondale and Ferraro, Jackson said, "When Reagan cuts education programs, he cuts opportunities. His cuts have left students with good minds unable to afford to go to college."

Jackson, noticeably exhausted after a taxing day of campaigning for Mondale, seemed delighted to get support from the "Reaganbusters."

He swayed and clapped along as the students sang lyrics such as, "If

it don't look cool, in the White House now, who are you going to call? Reaganbusters!"

He seemed revived from the enthusiastic crowd, despite a virus that left his voice sounding hoarse and strained.

The audience embodied Jackson's concept of a "Rainbow Coalition," with minorities, women, students and the disabled attending. The crowd cheered wildly for Jackson, paused respectfully to hear him speak, and then erupted with applause as if on cue.

According to Tom Romero, director of voter registration for the San Francisco Democratic Party, between 100 and 150 voters registered during the rally.

Referring to 18-year-old voters, Jackson said, "You can choose whether you will go and kill in other countries, or go to school, learn and get a job." He pleaded with young voters not to allow the

election to be decided by "the margin of despair."

One "Reaganbuster" who appeared on stage with Jackson, Rich Sayer, explained the motivation for his action. "I don't want to kill or be killed, and since most students are draft-age I feel they also have a major stake in this election," Sayer, a senior, is a business major at SF State.

STAR member Dania Wong, a senior majoring in social science and Asian American Studies, said, "We (students) don't have the luxury of sitting back and observing. We have put our hearts and souls into getting people out to vote."

Wong said STAR will hold a workshop how to register voters today at 4 p.m. in room B114 Student Union.

The final day to register to vote for the next election is Oct. 8 — Jesse Jackson's birthday.

Ex-cager not eligible to play

By Dan Gavin and Greg Baisden

SF State's 1984 men's basketball team won the Division II Western Regional Championship with an ineligible player, according to university records obtained from a confidential source.

NCAA rules could require the Gators to forfeit all those games in which forward Tony Welch played. Welch, one of the team's starting forwards, played throughout the season, including the championship games.

According to documents obtained by Phoenix, Welch was not enrolled at SF State during the Fall 1983 semester.

These documents also indicate that Welch took only 6 units of classes the following semester, Spring 1984. Under NCAA rules, players must enroll in 12 units each semester they play. SF State's basketball season begins in fall semester and ends mid-spring semester.

"I don't know if they were eligible or not," said Kevin Wilson, who coached the Gators last year before moving on to Chapman College in Southern California. "That's not my job."

Last year, the Gators swept the Division II Western Regional Championship, beating UC Riverside, at that time the ninth ranked team in the nation, 65-57. The Gators had earned that berth with two consecutive wins over Chico State.

The Western Regionals title took the team to Florence, Alabama, where they played in the NCAA

Division II quarter finals for the first time in 15 years. They ranked 11th in the country in Division II.

Jaimie McCloskey, an NCAA official, would neither confirm nor deny that the NCAA is conducting or considering an investigation of SF State.

But he did say that it is NCAA policy to notify a school's administration and athletic department if an investigation is pending against them.

William Partlow, SF State's athletic director, said the NCAA has not notified the school.

"There is no investigation," said Partlow. "We have certified the players to be eligible. If the players were ineligible, I would be the one to investigate."

Wilson's superior, Walter Bowman, athletic director at Chapman College, said the NCAA has not contacted him concerning Wilson or State, but he said he thought there might be an investigation.

"There are some things being investigated," he said. "The NCAA is doing an investigation. At least we (he and Wilson) were led to believe there was an investigation."

"Some of the San Francisco coaches have been in touch with Wilson," he said.

But Wilson said, "There is no investigation, you can put my mortgage on the line there isn't."

Eula West, acting director of the Health, Physical Education and Recreation Division at SF State, corroborated Partlow's statement.

"(The NCAA) couldn't possibly be interested," she said. "There was

See NCAA page 9

Water pipe break gives Verducci Hall a shower

By John Moses

The balconies of 15 floor Verducci Hall became waterfalls last night when a pipe on the 12th floor ruptured, blasting steaming-hot water down hallways and elevator shafts.

Water dripped down light fixtures and filled the glass globes half full in the dormitory's darkened lobby, as residents formed bucket and mop brigades to push the water over the balcony.

No one was injured in the incident, which began at about 10 p.m. A leaking water pipe protruding from a study lounge broke off, causing what hall assistant David Bailey called "this big boom."

"The water was hot, with steam coming out of the room," he said. Under Bailey's direction the

residents collected mops from other floors and brought towels to channel the water through the hallway and the outer lounge area.

Soon, Bailey said, there were about 40 residents participating in the cleanup.

There was "more mess than damage," said residence hall night manager Cookie O'Brien. She credited the quick-acting residents for cutting down on the amount of damage that could have been done when they channeled the water away from elevator shafts.

Power was shut off for about an hour in the hall and the elevators on the even-numbered side of the building were shut-down until they could be examined for water damage.

The pipe broke open just as hall

assistant Laura Simon entered the room to check on a report that it was leaking.

"A lot of people thought it was a pool party," said 12th floor resident Terry Kelley.

"We met the whole floor," added Kim Crotty. "We should have ordered pizza and beer."

Residents reported feelings of teamwork and camaraderie, and many sang "Row, row, row your boat" in what they called a sauna-like atmosphere as they sloshed the two-inch tide toward the lounges.

But the 12th floor resident Pam Denney said "The girl next door slept through it."

"Everybody turned out to help. Someone said it's too bad it takes a

See Flood page 9



Paul Brown cleaned up after the broken water pipe in Verducci Hall.

By Dan Eoff

Savio returns to UC Berkeley

By Marilee Enge

When Mario Savio stood on top of a police car surrounded by nearly 3,000 students and protested the denial of free speech rights on the UC Berkeley campus, the Free Speech Movement and a decade of student activism were born.

Tuesday, 20 years later, Savio spoke at Berkeley's Sproul Plaza once again. Standing not on a police car, but before a microphone, he addressed a crowd of about 2,500. The former activist emerged from nearly two decades of silence to commemorate the 20th anniversary of that historic day and speak again for the rights of the "oppressed majority."

The message delivered by Savio

and fellow free speech activists Jack Weinberg and Jackie Goldberg was not one of nostalgia for their moment of glory, nor, they emphasized, was it advice from "aging radicals" about tactics for student activism.

Instead it was a call for opposition to nuclear weapons and U.S. intervention in Central America.

"I'm not a nostalgia buff," Savio told reporters later, "even when I'm the object of nostalgia. I came here to celebrate a victory and because I feel strongly about preventing war."

Savio, 41, now a graduate student in physics at SF State, echoed his former eloquence as he denounced capitalism and American preparations for a "blood bath" in Central America.

Saying that the civil rights activities in the South in the summer of

1964 inspired the Free Speech Movement, Savio urged the crowd to "make Central America the Mississippi of this generation or it will be the Vietnam of this generation."

The victory of the Free Speech Movement was the right to organize and advocate on campus, a right which had been denied by university policy. But on a broader level, Savio said, "It showed that a mass movement among white youth was possible." And later, "It gave us the confidence to oppose the colonial war in Vietnam and showed that white youth would not tolerate racism."

On Oct. 1 1964, former graduate student Jack Weinberg was arrested for distributing civil rights literature from a table on Sproul Plaza. Outraged students spontaneously surrounded the police car in which

Weinberg was being held and remained there for 32 hours.

The car's roof became an impromptu platform from which many speakers, including Savio, held forth on the need to fight for free speech on campus.

Ultimately, after a mass sit-in on Dec. 2 and 3, a student strike that paralyzed the university and a faculty resolution supporting the FSM, that right was granted.

Weinberg, now an unemployed steel worker and volunteer for the Mondale-Ferraro presidential campaign, told the crowd at Sproul Plaza, "The civil rights movement changed my life. People were dying for the right to vote."

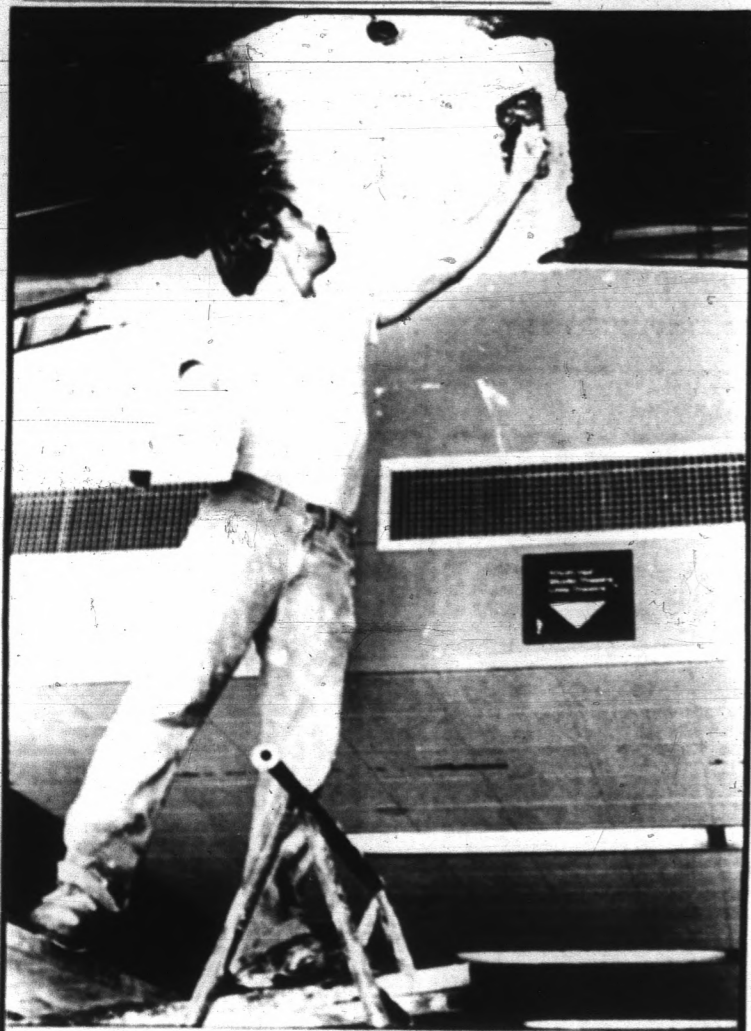
Today Weinberg believes the

See Savio page 10



Jack Weinberg and Mario Savio

By Matthew J. Lee



Guy Duran applies an asbestos-free material to the ceiling of McKenna Theatre last Tuesday as part of an \$8,200 asbestos replacement project.

East West trade relations pushed

By Julia Romero

The U.S.-Japan Relations Program, dedicated to business and communication with Japan, will sponsor a discussion series this fall on "Financial Perspectives: U.S.-Japan and Their Impact on Trade and Investment."

The relations program, also known by its formal name, the U.S.-Japan Institute, is part of the School of Business and focuses on the relation between American and Japanese business people, according to Klaus Schmidt, director of the institute.

"It doesn't mean we sit around and talk about cars and computers with each other," said Schmidt. "We talk about the broader perspectives of Japanese economics and American economics. We talk

about the psychological relationship between our two countries," he said.

Other facets of the program include student and faculty exchanges with Japan, a speaker series, several courses about U.S.-Japan relations, and research.

The series begins Oct. 9 with "The Dollar vs. the Yen." On Oct. 30, the topic will be "Financing Your Business and Financial Institutions," and on Nov. 20 a panel will discuss "Are Japan's Money Markets Really Opening Up?"

The panels will be at the Hyatt Regency Hotel on Union Square. For further information, contact Mitsuko Duerr at 469-2448 or Klaus Schmidt at 469-1180.

DPS cops await sex bias decision

By Ed Russo

Was former Department of Public Safety Sgt. Myra Sheehan a promising police officer who became negligent in her duties, or a dedicated employee who was unfairly fired by DPS Chief Jon Schorle?

Three administrators must answer that question after listening to six days of testimony by 11 witnesses during Sheehan's grievance hearing, which ended last Friday.

Sheehan, 30, who worked as an investigator and patrol officer for 18 months out of a two-year probationary period, was fired in March 1983. Sheehan, a lesbian, responded with a grievance that claimed she was fired because of her sexual preference and her support of union activity in the department.

Out of work since the firing, she is requesting reinstatement on the force, retroactive back pay to March 1983, and the dismissal of Schorle.

The three administrators who make up the grievance committee, Peter Haikalis, Dorothy Mayer and Robert Scott, do not have the power to grant or deny those requests, but they will make recommendations on all three to SF State President Chia-Wei Woo, who will then approve or reject Sheehan's claims.

Schorle, represented by attorney William Haughton from the Chancellor's office, defended the firing throughout the hearing.

"I wanted her (Sheehan) to be successful," he said. "She started her employment on a very bright note, but it went sour."

Schorle said, "Sheehan's inability to perform, in maturity and inability to fill out crime reports" all led him to his decision.

Sheehan, represented by Bill Curtis from the Statewide University Police Association, characterized herself as a hard worker who wanted to improve.

Schorle, former DPS Lt. Richard Van Slyke and Lt. Kim Wible portrayed Sheehan as a capable officer at the beginning of her employment who, for unexplained reasons, became careless about her work.

Van Slyke said Sheehan initially appeared to be very self-motivated, kind of a shining star during that period, but, "the brightness dwindled down to a

dullness."

At one point, Van Slyke said he told Sheehan he foresaw her becoming "the first female lieutenant in the CSU (California State University) system."

But according to Van Slyke, Sheehan's "productivity" began to decline around April 1982.

Van Slyke said Sheehan's subordinates, Investigators Wible and Bob Gai "were basically supervising themselves" and she refused to create "a viable crime prevention program" for the campus.

Wible, now a lieutenant and third in rank behind Schorle and Captain Malcom Vaughn, testified, "In the beginning, Myra came in with a gung-ho attitude. Somewhere in the middle, she had personal problems or whatever...she was famous for handing us things and then leaving. We covered for her a lot."

Although most of the hearings, which took place in the New Administration building, dealt with incidents that occurred during Sheehan's employment at SF State, both sides used the same events to draw different conclusions.

On the evening of May 18, 1982, two students were stabbed to death and two others seriously wounded at a dance in the Student Union. Sheehan was the first ranking officer on the scene, and according to Schorle, her performance allowed the San Francisco Police Department to take charge of the investigation away from the DPS.

Another issue arose when Sheehan testified that Wible and Lt. Pat McDonald "appeared to have been drinking" the night of the murders. Sheehan said Wible was supposed to have been on call that night.

"Wible was sloppy drunk and getting in the way of the investigation," Sheehan said. "I was extremely concerned how it would look to SFPD." According to Sheehan, she told a DPS employee, "I don't care how you do it, just get her out of here and I pushed them out the door."

Previously, former DPS dispatcher Theresa Steig (then Wyatt) testified that Wible was on call that night and despite repeated attempts was not immediately able to reach her.

When asked by Curtis if Wible and McDonald were drunk, Steig replied, "I would say so."

Wible testified she was not on call and although she drank that night, it was "not to excess" and she "was not intoxicated."

Wible said she was "personally and professionally offended by these false statements. I firmly believe that the only reason she (Sheehan) made them was to better her case by taking a stab at me."

Schorle denied that Wible was drunk and called her "one of the finest entry-level candidates that I have employed."

Even though Sheehan's grievance, in part, claims that she was fired because of her homosexuality, it never became a large issue during the hearings.

Schorle testified he knew Sheehan was a homosexual before he hired her. The chief said psychological tests used in the screening process

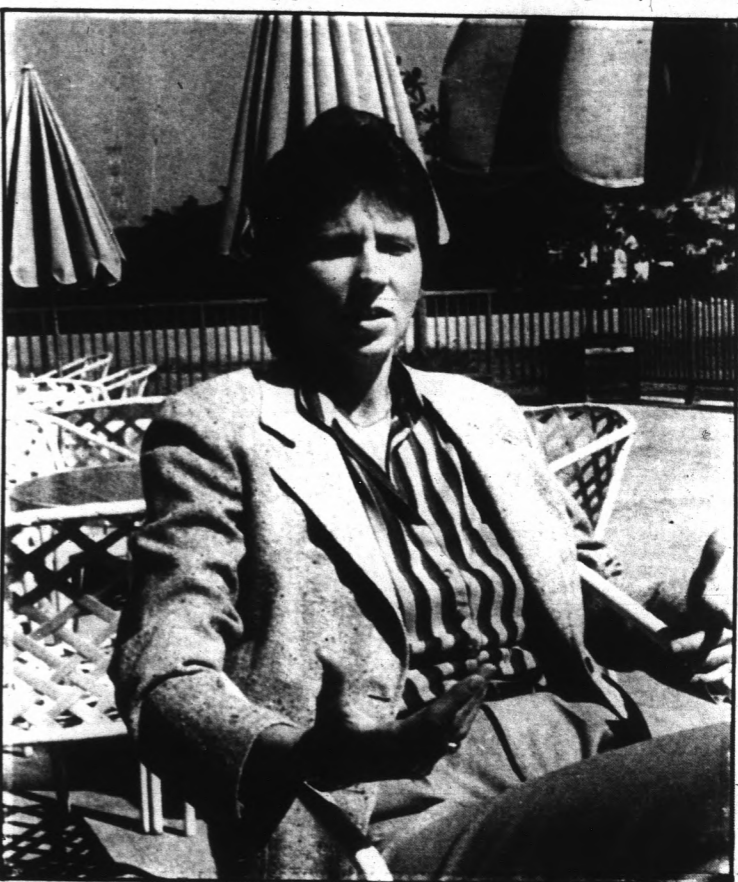
indicated her sexual orientation.

"I have no bias against a homosexual officer," Schorle said on the last day of the hearings. "If they are able to stand the stress and deal with the pressure, I would have no problem with that."

"I have never been openly out," Sheehan said. "I did not tell people in the department I was gay. I tended to be low profile in my sexual preference. For whatever reasons that became threatening to Jon Schorle and there was nothing I could do about it."

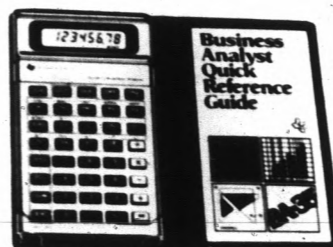
Schorle, Chief since 1978, concluded his testimony by saying, "I obviously have a great deal of my career involved in this campus. I tried my best with Myra Sheehan and it didn't work out."

The grievance committee will make their recommendations to President Woo within 21 days after receiving the attorney's briefs. The process could take up to nine weeks.



Former DPS Sgt. Myra Sheehan

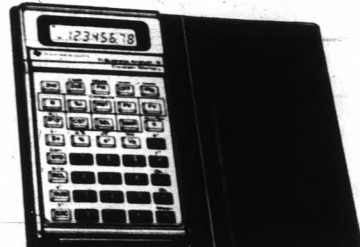
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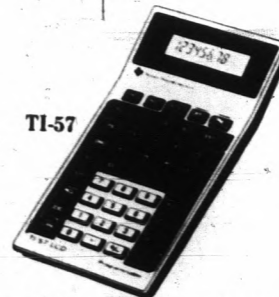
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Colleges launch ad campaign to keep classes full

By Marilee Enge

The 20-second television spot unfolds with idyllic scenes of academic life: students lounge on a lawn, peer into microscopes and engage in lively classroom discussions.

The depiction is not of a posh, private school with ivy-covered walls. Rather, the viewer is advised, "San Francisco State University: Choose Excellence."

This is one of three public-service announcements expected to air on Bay Area television stations this fall as part of an effort to "reshape the image" of SF State. The advertising campaign is part of a growing nationwide trend in campus recruiting using marketing and other methods to attract students.

"People generally don't know what we are," said Sheila McClear, director of public affairs. "We want to reshape their image of us, to brighten it up. They know we're here; they just don't know what's here."

University administrators have studied statistics from the National Center for Education Statistics that project a rapid decline in the number of 18-year-olds over the next 10 years. And they are looking for new

ways to keep enrollments close to post World War II baby-boom levels.

An enrollment crisis is not imminent — SF State's full-time enrollment dropped by 130 students last year — but McClear said it is important to put SF State in the public eye to prevent a future decline. "The purpose is to maintain enrollment," she said.

Pat Robinson, director of admissions, said, "We want to influence the minds of students, to create a positive image for potential students. We're hoping to have a long-term impact."

According to statistics, the number of 18-year-olds in the nation will drop from 4.3 million in 1979 to a projected 3.3 million in 1995. Robinson said, "As there are fewer high school graduates they will have a greater choice in where they go to school."

While SF State is turning to advertising to polish its image and entice more students, UC Berkeley, with its strong academic reputation, is turning away more applicants. The admissions office there processed 23 percent more applications this year than last, according to Robert Bailey, director of admissions.

Bailey said UC Berkeley is unconcerned about nationwide declining enrollment. "It's like a swimming pool," he said. "Those at the deep end will be less affected as the water goes down than those in the shallow end."

Instead, UC Berkeley is targeting key groups of students in its recruiting efforts. "The emphasis is on affirmative action and top scholars," said Bailey. "We're trying to keep our pool high-quality." He said recruitment is focused on the black and Hispanic communities in the Los Angeles area and also skimming top scholars from out-of-state prep schools.

SF State, too, has stepped up its recruiting efforts, but the focus is on San Francisco and San Mateo counties where students traditionally come from. Although there has been no increase in the budget for recruiting, Robinson said recruitment at local high schools and colleges is better organized.

A newly formed Enrollment Planning Committee with Robinson, McClear and the directors of housing, financial aid, extended education, affirmative action and the Equal Opportunity Program is looking into ways to improve the

admissions process as well as the university's image.

Among the changes are new advising services for potential students who have not applied and revised reservation cards sent to students who have applied but not been admitted, giving them better information about housing, academic services and financial aid.

Robinson also said his office will send a cablegram to high school and college counselors informing them about SF State. "It will be attractive," he said. "A good PR piece."

Other campuses in the California State University system are working at improving their images. California State University Los Angeles, which had the largest enrollment decline of any university in the system last year, opened its first student apartments this year.

Like SF State, Cal State LA is primarily a commuter campus. Linda Regensburger, director of public affairs, said the apartments are intended to "get a community of permanent on-campus residents, to create a feeling of campus life."

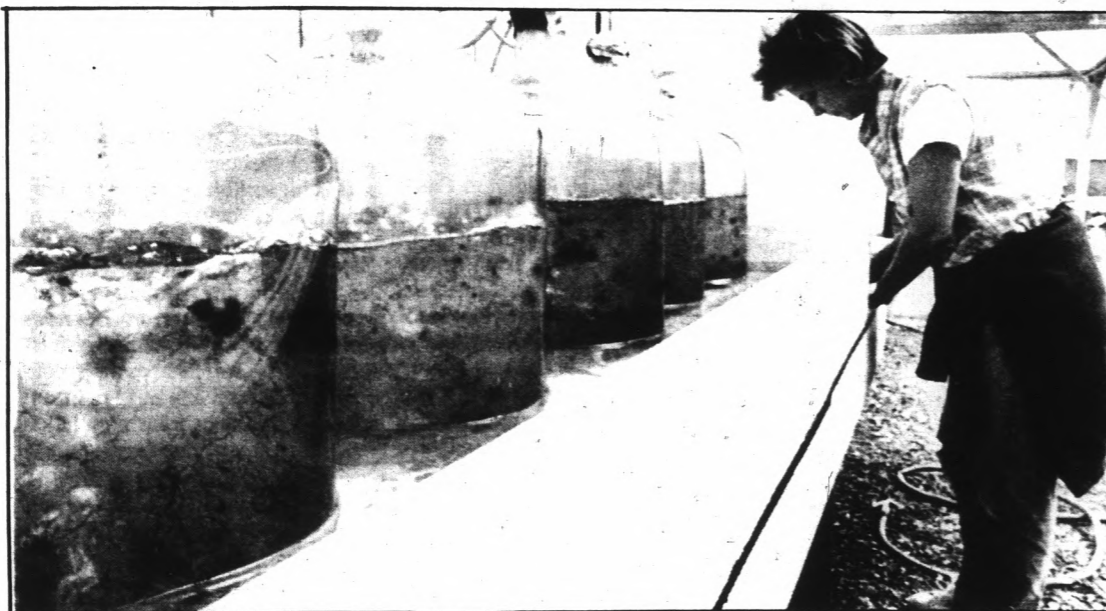
Moore attributed the rise in enrollment to improvements in application processing and successful orientation programs in Los Angeles

and the Bay Area. He said the orientation "creates the impression of being treated well." And students who have a good experience early in their college career will spread the word, according to Moore.

He added that applications from the Bay Area increased "dramatically" last year when they began recruiting here.

At SF State, Robinson said, "When I came here they said, 'We don't have an enrollment problem.'"

But that attitude has changed. As the baby-boom generation disappears from the demographic charts, schools like SF State will give priority to student recruitment and the university's image.



SF State graduate Susan Danek checks data on a seaweed culture farming experiment at the Paul F. Rombert Tiburon Center for Environmental Studies.

CSU to audit nature center

By Bill Reardon

The California State University System will audit the Paul F. Tiburon Center for Environmental Studies by January to determine if it is being operated under CSU budget policy.

Trustee Roy T. Brophy requested the report at the CSU Trustees meeting, Sept. 19, to determine if the research facility is using state funds, which he said is against CSU policy.

The 35-acre Bay shoreline site, near Tiburon in Marin County, was acquired by SF State from the federal government in 1978, for the token price of one dollar. It consists of ecological sanctuaries, a large research facility and an office and classroom complex.

Dr. James C. Kelley, dean of the School of Science, said the center does operate under CSU policy.

Kelley said he sees nothing in the resolution to adopt and operate the center saying that state funds may not be used for operation or improvement of the facility. He said the document stipulates that "operations at Tiburon would be supported from within SF State's own budgeted resources."

"We've only asked for about \$360,000 in minor capital outlay money for fire suppression systems," he said, "and that kind of expense qualified for state matching funds."

President Chia-Wei Woo said he thought that this request (for new fire hydrants to update an antiquated Navy system at the center)

may have raised the funding question in Brophy's mind.

Brophy said he is not "witch-hunting" and hopes the report will show reasons for operating a facility which is 20 miles north of campus.

Brophy initially opposed acquisition of the site in 1978 because he said the university did not have the money for its maintenance and operation. He withdrew opposition, he said, "on the understanding that no state money would be spent and no classes would be taught there at the center that could be better taught at SF State or at Moss Landing."

The Moss Landing Marine Laboratories, about 100 miles south of San Francisco, have operated since 1967 and are used by six CSU campuses, including SF State.

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Opinion

Letters

Phoenix welcomes letters from students, faculty and staff. All letters should be typewritten, double-spaced and 200 words or less. Letters must be signed.

Fantastic

Editor,

Your coverage of student organizations in the Sept. 13 issue of *Phoenix* was fantastic! I am sure that the organizations are extremely pleased to have the publicity. The Student Activities Office staff appreciates the positive coverage you have given student groups. We hope that your articles will stimulate other students to get involved with an organization on campus. You have provided them with some insights and reasons for getting involved. We feel you have provided your peers a beneficial service.

Thank you for the fine articles and all your research efforts.

Jeanne Wick
Acting Director

Talk it out

Editor,

It's a good thing Elizabeth Hackney has her byline under "Opinion." Her column, "Not For Women Only," of Sept. 27, 1984 would never pass for reporting. She obviously did no research to back up her opinions, and her opening sentence is simply wrong. The Women's Center began in 1973 and was created by the Women's Alliance, which also gave birth to the Women's Studies Program in 1976. The 1968-69 strike created the School of Ethnic Studies. It was a

hard-won battle which doesn't deserve co-optation.

Has Ms. Hackney ever been in the Women's Center? She hasn't talked to me or to any of the staff. Some of her uninformed views of us are amusing, nonetheless. For instance, in 14 years of political activism I've been called many things, but never "apolitical." Her views on childcare are a bit less funny. Clearly, she does not have a child.

Had Ms. Hackney bothered to talk to anyone in the Center, she would have discovered what we are doing about childcare, about women and careers, and a host of other things. She would have also found out that, while we cannot cover everything, we do provide the space and facilities for any woman to organize around woman-related issues.

If Ms. Hackney wants to see some action, I suggest she get involved in the Women's Center before speaking of "we" again. We are short on conservative feminists this semester. She's welcome to sign up in the spring to redress this lack, provided, of course, that she learn research skills in the interim. Our volunteers this semester are both active and thorough; I'd hate to see her spoil the record.

Lyndall MacCowan
Associate Director
Women's Center

I have been to the Women's Center repeatedly in my three years at SF State and have talked with different staff members each time. I've never been able to get information on the specific issues mentioned in my column. I would appreciate any specific response from you on the pertinent issues mentioned in my column; they are pressing issues that need to be addressed.

Instead of defensive name-calling directed at me, I suggest you direct your energies toward expanding the Center's repertoire.

Elizabeth Hackney

Pop zero

Editor,

Mike Ayers (Letters column, Sept. 27) is wrong in stating that the Malthusian picture of overpopulation "isn't necessarily so." The world's growth rate is definitely a valid, persuasive reason for a woman to forgo motherhood.

The most recent figure for the earth's population is 4.8 billion, a 12-digit number. Consider that just 40 years ago, the world population was only half that size. At the present rate, we will reach our "comfortable" limit — 6.5 billion — in about 15 years. That's frightening.

Mr. Ayers does mention that "the world population's growth rate may decline." Indeed it will, if people will curb reproduction. Columnist Elizabeth Hackney is willing to do so, yet Mr. Ayers claims she is under "pressure," which makes her decision somehow invalid.

But the growth rate won't decline any other way, Mr. Ayers, unless there is widespread war or famine. I personally side with columnist Hackney in choosing non-parent-hood as the more humane method.

Mary Campbell

Old MIGs

Editor,

So Phillip Eppe thinks that the Sandinistas are "not yet" a threat to the United States (Editor at Large, Sept. 27). Not until Nicaragua gets those MIG-21s, right?

The MIG-21 entered service 24 years ago and is clearly obsolete

against the modern U. S. Air Force. The MIG-21 is purely defensive and has no other uses, such as ground attack. Nicaragua has every right to defend its borders, which are now under attack from U.S.-sponsored terrorists. Why does Nicaragua get flak every time it obtains weapons to defend its revolution, while the murderous regimes of El Salvador, Honduras and Guatemala receive millions of dollars for their death machines?

The real "threat" is not the Sandinistas and a couple of old MIGs; no, it's the United States and its insane military build-up that includes B-1 bombers, Pershing II missiles, and Trident submarines; all of which do not serve the purpose of defense, but the destruction of the globe.

If the Reagan administration opposes the deployment of MIGs, then the U.S. government and big business should stop aid to the reactionary Contras.

Paul Cuadra

I appreciated the response to my column, however, I feel that you somewhat misunderstood my meaning. The point was that NO weapons of any sort should be brought to Central America, including any from the United States. I feel as strong as you do that Nicaragua should be able to defend itself.

Coke line

Editor,

The series of articles on drug abuse at SF State (Phoenix, Sept. 27) carried a dangerous message for anyone who thinks he or she may have a problem with drugs. The inferences that could be drawn from the series are that it is not visible, there is no drug problem on campus and that being a student and having a drug problem are mutually exclusive.

While there may not be widespread abuse at SF State and it is largely unseen, I can tell you from experience that being a student and developing a serious problem with drugs and alcohol is a definite possibility. For me, it was reality. But my problem wasn't apparent to anyone else, and I never thought of using on-campus facilities to deal with it. I made good grades, attended classes regularly, maintained a job, but had a cocaine habit I couldn't control.

If you think you have a problem with drugs, I urge you to call the Narcotics Anonymous Hotline at 893-2686. Enrollment at SF State does not provide immunity from drug abuse.

Anonymous

Debate hog

Editor,

Imagine the outrage if during the Reagan-Mondale debates this fall, Mondale spoke for 50 minutes and Reagan for 10.

This kind of one-sided debate, due to one-sided spending, has defeated 12 of 13 initiatives in California. Misleading TV ads funded by narrow economic interests (who outspend citizen's groups by as much as 5 to 1 and 29 to 1) have taken over the initiative system. The people of California are exposed to capital punishment — those without capital get the punishment.

That is why the Common Cause is putting together a diverse initiative reform task force to make the initiative a tool, once again, of the citizens — not the special interests. Members include: former Governor Edmund "Pat" Brown, former State Senator Peter Behr, R-Marin, Marge Caldwell of the United Food and Commercial Workers, Urban League President George Dean, Carl Pope of the Sierra Club, and

L.U.L.A.C. President Mario Obledo.

The difficult task of reclaiming direct democracy from the big spending of special interests will require a coalition of citizen's groups but, as Ben Franklin said, "We must all hang together or we will hang separately."

Judith W. Marsh

Press neglect

Editor,

It is unfortunate that although your paper received a formal, written invitation as well as three person-to-person reminders, the *Phoenix* failed to see the importance of sending a reporter to cover last week's CND/STAR news conference.

The Campaign for Nuclear Disarmament has been continuously active on our campus for the last two and one half years. STAR (Students Against Reaganism) is a statewide organization whose membership and support level includes well over 300 SF State students.

Both CND and STAR deal with issues that directly affect every member of our campus community. The news conference was held in order to provide our campus community with an analysis of the Reagan administration's policies and some of our reasons why all concerned citizens and students should work for Reagan's defeat.

It is imperative to take what little time remains before the election to reveal the Reagan administration's direct, malignant influence to the environment, the people, and the nuclear balance of terror. The news conference was a condensed, fact-filled analysis of this regime's policies. By not receiving this important information the campus population was put at an extreme disadvantage.

Courtney Bullock

CLASSIFIEDS

ANNOUNCEMENTS

Information meeting—Multiple Subjects Teaching Credential (Elementary), Monday, October 8, Education 128, 9:00 am-10:00 am.

The Philosophy Club sponsors five presentations given by the Followers of Sri Chinmoy Starting, Oct. 12, 3-5 pm, in HLL 268.

The Student Union Association's 83/84 Fiscal Audit is available for review in Room B132, SU, during regular business hours Monday-Friday from 8 am to 5 pm.

AS Performing Arts presents "Right Stuff," today and Friday at 4 pm and 8 pm in the Barbary Coast.

GreenRoom is back. A fascinating interview show with exciting guests, every Sunday morning at 3:30 am on KFRG.

Re-entry students. Come together for support and to share experiences. Wed. and Thurs. noon OAD 212. Bring your lunch.

FREE live music TONIGHT! AZIZ. Rocks 6:00 pm in the Union Depot. Why not have some fun?

BIGGER than BIG FOOTBALL. Homeboys take on the Big Apple. SF vs. N.Y. Giants. 6:00 pm. Monday in the Depot. FREE!

SFSU Ad club meeting Weds. 10:10, 5 pm. SU Rms. A-E. Come and get that extra advantage! Everyone Welcome!

The next FREE Air Force Officer Test for ROTC is Saturday, October 13. Visit Pay 115 or call 469-1191.

CENTER for Student Advocacy can give referrals and info about YOUR student rights. All discussion confidential. M112B. 469-2465. hrs. posted.

Student Activities Fair. Main Lawn. Oct. 4th. Student organizations, memberships, games, food, information. 10:00 am-2:00 pm. Don't miss it.

Ayn Rand fans: I'm assessing the possibilities of a club and events. Call Tues. or Wed. after 6 pm. Jeff. 673-6338.

HAPPEN MONTHLY, A Woman's newsletter seeks submissions. SASE for free sample. 484, Lake Park Ave., 104, Oakland, CA 94610.

"GRADUATE SCHOOL: Should I get an MS?" Representatives from: Berkeley, Stanford, SFSU. October 18, 1:00 pm, BSS 115. Delta Sigma Pi.

Hacky-sackers! Come to the Activities Fair and join the "SFSU Football Forum!" Anyone with feet can do it!

Lesbian Discussion Group, Tues. 7:00-9:00 pm, Gay Raps, Weds. 7:00-9:00 pm. Student Union M100A. Lesbian Gay Alliance. Join us!

Take it easy! Alcoholics Anonymous, Monday 12-1 pm, Tues. 2-3 pm, Friday 8-9 am. SUB116. EASY DOES IT!

Experienced Sailors. The SFSU Sailing Club meets every Sunday, noon. Lake Merced docks for recreational sailing and competitive racing.

A Series on Child Sexual Abuse, Tuesdays 5:00-7:00 pm. Student Union, B116, Oct. 9, 16, 23. For more info. call EROS, x2325.

EMPLOYMENT

WANTED: Several hard-working, sports-minded students to do telephone sales in the club Monday-Thursday 5:30-8:30. The position is with What-A-Racquet Athletic Club located 5 minutes from STATE. Promotion involves new swimming pool. Call 994-9080 for an interview and ask for Bryan Clark.

Looking for a job? Disabled Student Services (DSS) is presently accepting applications for readers and tutors. Work-study not necessary. x2472, Lib 36.

GOVERNMENT JOBS. \$16,559-\$50,553/year. Now Hiring. For Director Call (805) 687-6000 ext. R-2663.

FOR SALE

Rossignol Cross-Country Skis, Brand New. \$90.00. Bicycle Racing Frame, Stunning Paint Job. \$250.00. Two absolute bargains! 469-3774, Rick.

Ticket for sale. Joyce Carol Gates. Live appearance, Hearst Theater. October 9. Excellent seat. Sell at cost. Jim, eves. 824-7036.

Sherman Clay Piano, like new. With bench. Maple Spinet \$900 or B/O 583-6269.

Stereo with cassette, 8-track, \$50., crock-pot, \$15., space heater, \$20. Kara/David, 759-8810, or 239-3360.

77-Yamaha sx750, 16k miles, good condition, must sell. \$900/b.o. 589-2885, eves.

HEALTH

STUDENT DENTAL/OPTICAL PLAN. Enroll now! Save your teeth, eyes and money too. For information and brochure see A.S. office or call (408) 371-6811.

PERSONALS

JKP-You loved me, I ran too soon, now all I've left are memories of you and our Hawaiian moon—DRJ

Jennifer Dobson, You're beautiful inside and out, you love life and make others feel loved. Happy Birthday 1984! Love, Danyse.

Heather! You are the best in the west. I am very proud of you. Three cheers for Heather!! Love Mom.

Bonnie Hayes & The Wild Combo info is available at: P.O. Box 1124, Millbrae, CA 94030-5124.

RENTAL

One clean bedroom in Large, Cole Valley Flat. 2 nice, employed women seek third. Big kitchen, yard. No pets. \$250/mo. & utls. Avail. 10/15, call 731-7688.

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SERVICES

Weddings, \$175. Complete, including album. Experienced photographer with references, takes fifty quality pictures per hour. Free 11" x 14". Call, Jeff 548-6005.

CLASSIFIED ADS IN PHOENIX are FREE! To students, faculty and staff of SFSU. ADVERTISING A "SERVICE FOR MONEY" or placing an ad from a non-member of the college community costs 25 cents per word, \$5.00 minimum, payable in advance. Ad deadline is the Friday before publication. Ads can be mailed in but no phone-in ads will be accepted. Classified ad forms are available in HLL 207.

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Semicid, a vaginal contraceptive suppository, is an effective form of birth control that doesn't interrupt the mood. Because Semicid is so small and discreet, it's almost like using nothing at all.

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And Semicid works! It contains the most effective contraceptive spermicide you can buy—nonoxonyl-9. And Semicid has no hormones that can cause unpleasant side effects. If your doctor has said you should not become pregnant, ask him or her about Semicid. Semicid is approximately as effective as vaginal foam contraceptives in actual use, but is not as effective as the Pill or IUD. Some Semicid users experience irritation in using the product. For best protection against pregnancy, it is essential to follow package directions. And it is essential that you insert Semicid at least fifteen minutes before intercourse. But you may insert it up to an hour before, if you wish.

Stop using messy, clumsy birth control methods. Try Semicid, and see how it can improve your love life.



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Send \$1.00 (Cash, Check or Money Order) to FAMILY PLANNING OFFER, P.O. Box 965, Delran, New Jersey 08075, and we will send you, in an unmarked mailer, a package of three Semicid Vaginal Contraceptive Suppositories, a Guide to Family Planning booklet, and a 50¢ store coupon good on your next purchase of a Semicid 10's or 20's package. (Check Money Order payable to Whitehall Laboratories.)

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Opinion

Editorial

Free speech—then and now

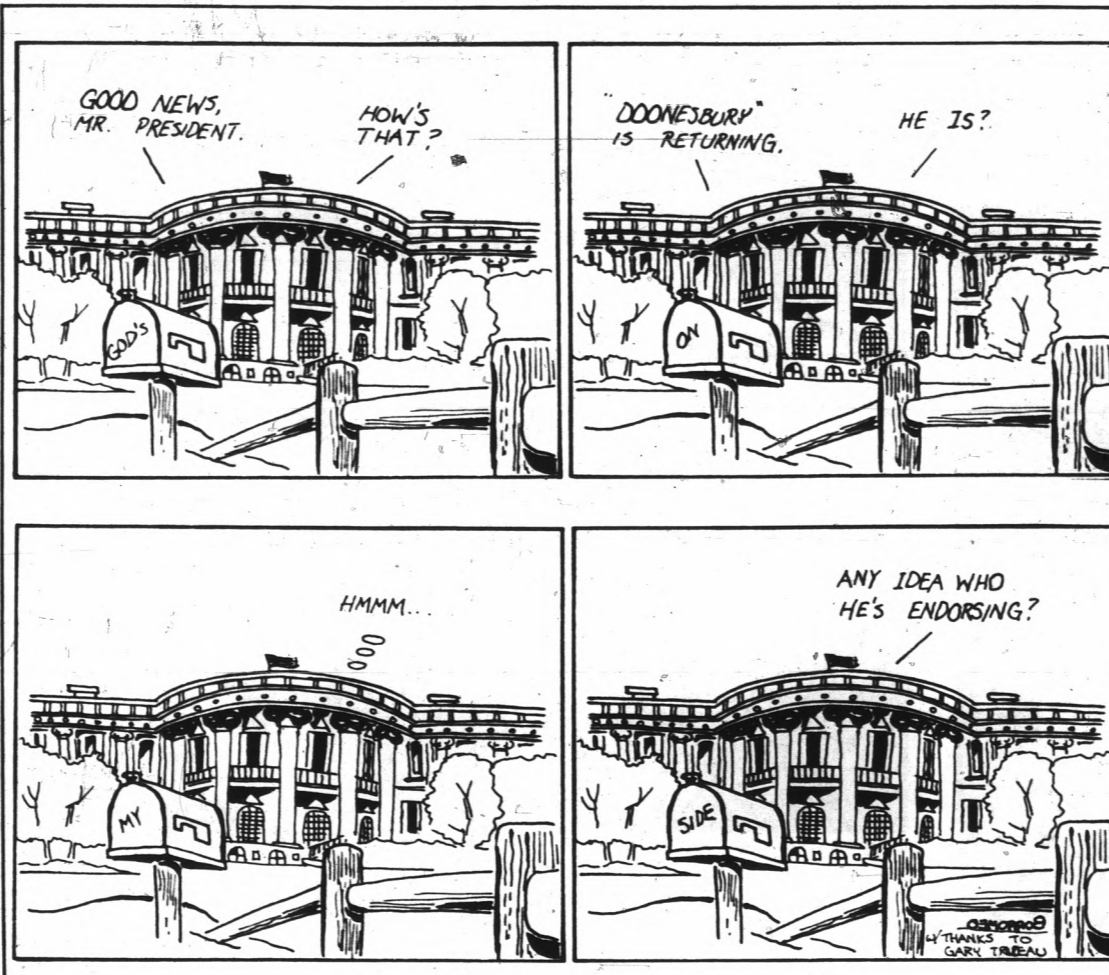
With the re-emergence of the embodiment of the free speech movement, Mario Savio, we have entered a new nostalgia. This time the reason is not for slicked-back hair, bobby socks and hopped-up jalopies — it is strictly political.

The free speech movement died when our repressive government of the 1950s and 1960s loosened up and the Vietnam War came to an end. The movement essentially won in those respects and it didn't have a reason for continued existence.

Now, however, with a war brewing in Central America, infuriating toxic messes showing up in everybody's backyard and the global trend toward New Rightism, the movement is not a rebel without a cause.

The message brought to focus when Savio and others spoke recently in Berkeley was that student activism must be reborn and that we cannot look to the past for answers in the complex eighties.

Phoenix also feels this is important in dealing with new problems that were little talked about then. The free speech movement has taught us a few things: activism is not a dried-up thing of the past, that it blooms when the atmosphere is ripe for it and that it can be effective when nurtured collectively.



editor-at-large phillip epps

In one month, Americans will head to the voting booth to make the best choice possible for president of the United States. In California, it will be time again to hash out state propositions.

Proposition 41, if passed, will have far-reaching consequences making Prop. 13 look like blowing in the wind in the social program department. This time the target is welfare recipients including the elderly, disabled, "welfare" mothers and their children.

The attack is on the welfare state in California. For example, Medi-Cal would be cut by more than one-third. This would affect 700,000 elderly, blind and disabled people by slashing services such as prescriptions, optometry, dental care and physical therapy. A quarter of a million disabled will have to choose between paying rent and getting medical care.

Aid to Families with Dependent Children and General Assistance support could be cut in half if the new tax reduction bill is passed. This might affect as many as one million children by reducing state money for "unemployed" mothers. The current check for a three-member family is \$555 under AFDC. This would be cut to \$330 a month, hardly a sufficient amount to feed two children. The plight of the "welfare" mother is that she cannot get cheap and safe childcare that would allow her access to work. This vicious cycle won't be broken until the state intervenes by providing institutionalized day care. But that sounds a bit too socialistic, doesn't it?

A third blow to the welfare state would be the ultimate denial of abused and homeless children of the chance to live in a foster home. (Private and state-run orphanages would not be affected.) Payments to foster parents would be sliced in half, affecting some 27,000 neglected children, and generous foster families would be hard pressed to continue their important contribution.

California is heralded as the place where controversies begin and rarely end, where they lead to precedents for the rest of the states to follow. For this reason, the decision to uphold the welfare state is crucial. It is definitely not an easy question: the government's contention that a portion of those collecting benefits are not needy is valid. Also, the idea that needy people who become dependent on state sources will not try to attain self-sufficiency because of the relative ease of that reliance is also not unfounded.

What needs to be seen, in relation to ending the dependence-intensive state that tax-minded politicians have against, is a turn-around in thinking. This entails introducing the notion that everyone — including the disabled and foster children — has an important contribution to make to society. It is the fragmentation of the industrial age that keeps the aged and the "helpless" from participation. I propose, foremost, a radical departure from the typical liberal method of doing things, that is, heaving enormous amounts of money on the needy. This can be compared to the liberal development scenario that we currently impose on "developing" nations — dependent far too long on U.S. aid packages.

The answer, if not too simplistic for the limited space here, would be to copy programs from socialized nation-states, but — and this is crucial — reduce the size of the state and bureaucracy to a manageable level. Although it is probably too radical for those people that like saluting the flag of an important world power, the decentralized state — or non-state — may become a reality due to the real dangers of impending environmental crises and seemingly impossible predicaments like the welfare state.

In the fairly recent past, Americans benefited from the idea of a minimum government. Our pioneer days offer examples of communities that took charge of their own affairs and of individuals who selflessly cared for their neighbors, the needy and just about anybody that asked for help.

The size of our government, be it state or national, is far too large to efficiently handle the many subtle problems of humanity. We are just too big for our britches. Literally. A different sort of revolution in America, non-violent of course, and a little more faith in human beings would send most of the problems of today out the door. Think about it. But for now, vote no on Prop. 41.

"We will not be driven by fear into an age of unreason if we . . . remember that we are not descended from fearful men, not from men who feared to write, to speak, to associate and to defend causes, which were, for the moment unpopular."

Edward R. Murrow

Six-shooters aimed at Soviet Union

This summer, diplomatic activity between the United States and the Soviet Union gave rise to nothing. Talks that were scheduled to be held last week fell through in August because the two sides could not agree on what to talk about.

Diplomacy between the two countries — diplomacy where agreements are reached — has come to a halt in the last four years. In that same four years, the Pentagon's yearly budget has increased 40 percent, or \$116 billion.

Yet the Reagan administration still hopes to negotiate arms control with the Soviet Union. The president said on June 15:

"The door is open, and every once in while, we're standing in the doorway seeing if anyone's coming up the steps."

Nothing could seem more benign than this; the image it conjures up is that of a gentle old man waiting patiently for his estranged friend to come by to talk things over. From the Soviet point of view, however, the image is different. For them, Reagan is standing in the doorway, seeing if anyone's coming up the steps, and he has a six-shooter in each hand.

Reagan believes that by pointing his nuclear guns at the Soviets, he will convince them to get rid of their

weapons. (This is why he calls the MX Missile "The Peacekeeper.") Instead, the Soviets have done what most people would do: they have refused to appear before the doorway, and are instead building six-shooters of their own.

This makes the world far less safe than it was four years ago. Yet this country is likely to accept Reagan's actions, by re-electing him.

I think this is a mistake, not just because it probably means four more years of hostile relations between the superpowers, but it also means that expansion of military power in this country will continue with a virtual endorsement by the American public. What could this expansion mean? In *The Federalist*, No. 8, Alexander Hamilton wrote:

"The continual necessity for (the services of the military) enhances the importance of the soldier, and proportionally degrades the condition of the citizen. The military state becomes elevated above the civil. The inhabitants of territories, often the theater of war, are unavoidably subjected to frequent infringements on their rights; and by degrees the people are brought to consider the soldiery not only as their protectors but as their superiors."

In its four years in office, the Reagan administration has: 1) refused to tell the American public when it is testing new nuclear weapons; 2) restricted public access to government inventories of plutonium and enriched uranium; 3) broken off negotiations toward a ban on nuclear testing, negotiations to which the superpowers are both committed by the Partial Test Ban Treaty of 1963; 4) ignored, since 1982, a wish expressed by a majority of Americans that we negotiate a freeze of nuclear weapons production, testing and deployment with the Soviet Union.

I must reject Reagan's senseless belief that the Soviets will negotiate arms reduction with us while we are building and deploying more and more weapons. And I cannot accept his belief that he is preserving democracy by standing in the doorway with the Pentagon's loaded guns. He is only preserving his own power, and the conditions necessary for our fearful acquiescence.

— Lisa Hawes
Campaign for
Nuclear Disarmament

"I was the one who took the lead to begin bringing about the first real arms reduction talks that we've ever been able to hold with the Soviet Union . . ."

— President Ronald Reagan
February 16, 1983

'Neutral' arms fuels war

Last week was the fourth anniversary of the war between Iran and Iraq. In spite of claims of neutrality on the part of the superpowers, the war is supported by the United States and the Soviet Union on the side of Iraq against Iran. These powers are supplying Iraq with arms and the means to make and use chemical weapons, including a nerve gas called Tabun, to undermine Iran.

The war is not so much a conflict between two groups, the "Persians" and the "Arabs," who allegedly hate each other. It is not a conflict of the differences of Islamic sects that each nation believes in. It is a matter of survival.

For Saddam Hussein, the president of Iraq, and for Saudi Arabia, Jordan, Egypt and Sudan (all friends of the United States), it is the question of survival against "Islamization" — the revolutionary way of Islamic thinking. This began in Iran with the ousting of the shah, establishing the Islamic state. It is this radical wave that has endangered those regimes, especially in Egypt and Iraq.

Therefore, Iraq has become the main opponent of this revolutionary way of thinking, this light of hope which illuminated many minds. What could be better for the United States and her allies in the region, threatened by the same ideology, than to support Iraq against Iran?

Saddam Hussein of Iraq unilaterally abrogated the 1975 Algiers Agreement, which provisioned each country to honor half of the Al-Arab River for trade, by staking claims to it. This led to a full scale invasion against Iran on Sept. 22, 1980.

At the beginning of the war when the Iraqi invasion took place, a series of meetings had already occurred among Hussein, Henry Kissinger, Zbigniew Brzezinski and other high-level U.S. officials. It was eventually revealed that as early as 45 days after the invasion, a top-secret U.S. intelligence report detailed information regarding the status of the Iranian armed forces to Hussein. This was a gift from Saudi Arabia.

Later, Iraqi warplanes were given electronic surveillance protection by U.S. Air Force AWACs operating out of Saudi Arabia.

This obvious cooperation and support given to Iraq despite claims to the contrary is made evident by Brzezinski, in which he said, "We see no fundamental incompatibility of interests between the United States and Iraq. America in a total way is out to change the direc-

tion of the Islamic Revolution of Iran, and in order to do this we must give complete support to Iraq."

The Soviet Union has also hypocritically maintained that it is neutral while continuing to be one of the major arms suppliers to Iraq. One recent sale included two types of air-to-surface missiles for its bomber fleet, vastly increasing Iraq's capability for precision strikes against Iranian targets. More recently, the puppet regime of Afghanistan bombarded Zabul, a provincial capital of Iran.

Another "neutral" nation is France, said to have become Iraq's No. 1 supplier of arms with a \$5.5 billion sales figure since 1981. France provided chemical weapons for Iraq, as noted by an annual Swedish conference on the use of chemical weapons in its Geneva meeting in February, 1984. Others involved in the sale of nerve gas to Iraq (England and West Germany) have assisted in building a huge complex capable of producing large quantities of Tabun, a deadly nerve gas, for military use.

These nations maintain their interest in a "peaceful solution" to the conflict, and condemn the use of chemical warfare.

The inhumanity and barbarity of Hussein's forces are virtually unknown to the West. A report on the inspection of civilian areas by the secretary general of the United Nations on May 15, 1984, said, "Civilian targets were indiscriminately bombarded with aerial attacks and long-range missiles. These towns and villages had no military significance." Most of these attacks were carried out during prayer times and rush hours, when many people were gathered.

Iranian towns retaken were found completely destroyed. Buildings were razed by heavy construction equipment. Some 4,600 civilians have been martyred as a result of over 500 savage Iraqi attacks. More than 1,300 villages have been destroyed in the provinces of Khuzistan, Ilam and Bakhtaran.

The silence created by international indifference toward the war is hypocritical and inconsistent with the basic democratic ideals of Western countries. We need to become active and responsible in knowing what is really happening in all those countries struggling for liberation and how the superpowers are involved.

Has life become so valueless that we can allow the use of chemical weapons and the bombing of innocent civilians to continue?

An Iranian student who wishes to withhold his identity.

PHOENIX

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The Phoenix encourages readers to write. Letters may be dropped off in HLL 207 or mailed to "Letters to the Editor," Phoenix, 1600 Holloway Ave., San Francisco, CA 94132. Signed letters will be printed on the basis of available space.

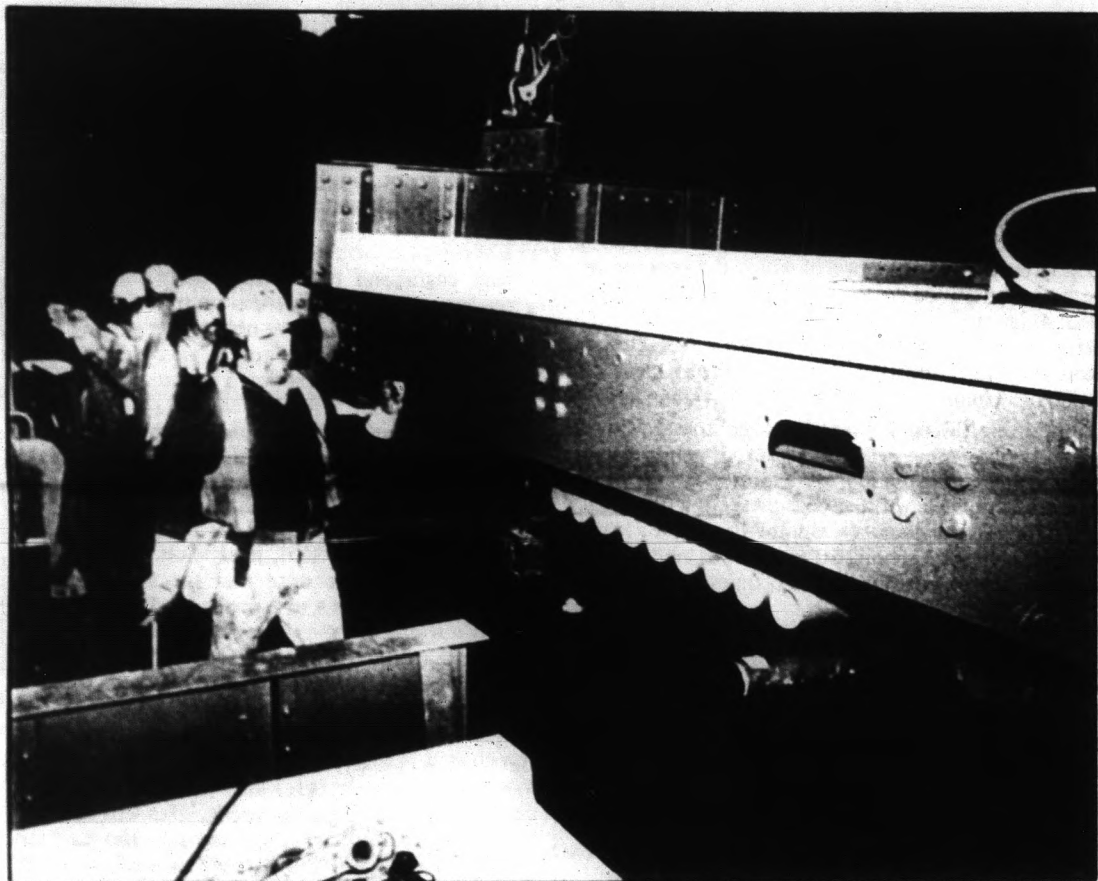
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WHEN LAST WE SAW RALPH, HE HAD BEEN TAKEN ABOARD A PASSING SPACECRAFT



Workers brighten Golden Gate



Photos by Matthew J. Lee



The graceful lines of the Golden Gate Bridge are familiar to people around the world. However, people who visit or travel the bridge at night have noticed that the symbolic span is undergoing transformation of its roadway deck.

The project, started in December of last year and expected to be completed in summer of 1985, involves graveyard-hour work by 100 personnel who saw out old sections and replace them with new sections.

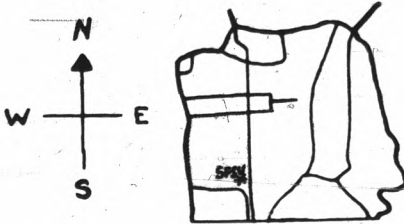
The 747 prefabricated orthotropic panels, 15-by-50-foot long, are shipped pre-made and weigh 20 tons each.

The cost of the project is \$52.5 million, \$19.5 million more than the original cost for constructing the bridge in 1937.

After the new deck is completed, the roadway will be two feet wider and lighter yet stronger, easing stress on the cables, towers and the foundation.

Clockwise from left: Iron worker Terry Burnham signals that a sidewalk section is properly lined up. Terry Burnham and his twin brother Jerry lead other workers as they maneuver the section into place. Panama, an Iron worker, peers out from behind a sidewalk section. The Golden Gate Bridge, is well known for its beauty, size and fatal, suicidal lure. A sidewalk section, weighing 20 tons, takes two cranes to fit it in place.

San Francisco Neighborhoods



Bittersweet Sunset stroll



Potstickers is one of the many items that Yoen Mei and Bob Lee sell in their Judah street store.

By Darlene Keyer

In 1966, when I was in the third grade, I used to meet my best friend Karen Clement every morning in front of the "big green house" on the corner of 31st and Ulloa. We began our one-mile hike to St. Gabriel's Grammar School.

Most mornings the fog in the Sunset District was so thick and low on the ground I feared if I walked too fast I might suffocate. Karen and I passed rows and rows of identical two-story houses that seemed almost human: long, narrow living-room windows that followed us like piercing eyes and garage doors like hungry mouths.

The walk home from school was the best. By that time the fog had lifted and we took an alternate route that followed the L-streetcar tracks up Taraval Street. We stopped to buy 10 pieces of one-cent candy at the K&E Five and Dime. When we were out of money, we stopped at Tony's Market, where Tony allowed us 10 cents of candy credit. On the last block home, we always stopped to wave at Charlie, the old Irishman who owned the corner coffee shop.

The Sunset District stretches from Golden Gate Park south to Taraval Street and from 10th Avenue to the Great Highway. The district was once sand dunes, but during the 1920s and 1930s, developers began building single-family homes at an average of two per day. The Sunset District soon became a predominantly middle-class, white suburb of downtown San Francisco. In the last 10 years, the Sunset has become more racially diverse and Asians and Latinos have bought many of the homes and businesses.

My parents still live in their three-bedroom stucco house on 31st Avenue that they bought in 1960, but when I come to visit, it isn't the same. When I get off the L Muni Metro train on 32nd and Taraval Street, I pass the tiny storefront of Herb's Delicatessen and see the familiar bald-headed Herb making his famous meatball sandwiches. But across the street now is the Urban Farmer, a home video store, and a Chinese restaurant that used to be Dawson's Dry Goods.

Escalating rents have forced the old businesses to close.

Integrated meeting sparks racial issue

By Ruth Snyder

Laura Head, associate professor for Black Studies, said that she received phone calls and anonymous notes this week insinuating that a reception held yesterday for faculty and staff of color was discriminatory.

Tuesday, Head, who coordinated the reception hosted by the Black Faculty and Professional Staff Organization, received a note, she said, which demanded to know why the reception was being held only for faculty and staff of color. The note went on to ask "Don't you know that we all have a color?"

"People have been calling me up this week," said Head. "They always work their way around to asking whether white people are invited to the reception."

Although the crowd was predominantly composed of minorities, white faculty and staff were also in attendance.

Head said that since this is such a non-controversial event it seems silly

that there was such a strong reaction. "No one accuses the white campus organizations of being discriminatory when they hold events," said Head.

The reception was held to welcome new minority faculty and staff members.

"We want the new faculty and staff of color to know that there is a network of support for them here at SF State," said Penny Saffold, dean of Student Affairs.

Shirley Strong, peer counseling coordinator for the Academic Advising Center, introduced the 17 new minority faculty and staff members and congratulated the eight who had received promotions.

Reaganwit

"If all of the unemployed today were in a single line allowing two feet for each of them, that line would reach from New York to Los Angeles, Calif. All of this can be cured and all of it can be solved."

President Ronald Reagan
Oct. 28, 1980

Ed and Eleanor Canale, who have owned the San Francisco Archery Shop on Taraval Street for the last 27 years, have no plans to move.

"This is a pretty good neighborhood to live in," said Ed Canale. "Our biggest problem is not enough parking."

The shortage of parking on Taraval Street is intensified by delivery trucks dropping off supplies to nearby stores and restaurants, customers double parking and the L Muni Metro train holding up traffic.

But Canale laughed and said, "That's OK, customers from the Chinese restaurant down the street walk by our store and their kids see our bows and arrows and want to take up archery."

I pass two new (at least to me) seafood restaurants whose windows are decorated with boastful write-ups from T.G.I.F. and Revue West, but what captures my senses is the aromatic smell of brewing coffee mixed with the greasy smell of frying bacon. It is coming from the Donut Center and Pastry Shop.

Inside, the vinyl booths are worn, and bacon and eggs, sausage and ham are still cooked on a black grill in the middle of the restaurant. The big silver frostie machine I remember so well is still behind the cash register.

I ask the waitress if the shop still sells vanilla frosties and she says, "Yes, but only after 11."

Only a few children ride by me on their bicycles on a street that used to be filled with at least 25 children at play, oblivious to the existence of sidewalks.

Children born in this neighborhood have moved to raise their families in the suburbs of surrounding counties where rents and home prices are lower. Twenty-five years ago homes that sold for \$25,000 now sell for \$175,000 or more.

In 1984, the human houses are still there but the K&E Five and Dime now sells discount clothes, Tony's Market only gives credit to real estate buyers and Charlie's Coffee Shop now serves tennis balls.

But at least the Pastry Shop stills sells vanilla frosties. It's nice to know some things haven't changed.

Salary bonuses held up CSU contract freeze stalls incentives

By Julia Romero

Until the California State Employees Union and the California State University negotiators agree on a new contract, faculty in the hard-to-hire field of accounting will not receive promised bonuses.

At stake is the Market Conditions Salary Supplement plan, designed as a hiring incentive to attract and keep teachers in the fields designated as hard-to-hire by the university. Other fields pinpointed were computer science and electrical engineering. However, in the School of Business only two newly hired accounting instructors received the bonuses.

The two accounting teachers each received \$3,000 last spring after the MCSS went into effect. "The other faculty obviously felt they should have gotten it, too," said Arthur Cunningham, dean of the School of Business.

"I think (the MCSS) is a good idea if it's extended to enough people," said Cunningham. "Had the program been continued, all the accounting faculty would have received it this year."

As the situation stands, the CSU has offered an 8.35 percent across-the-board pay raise as of Oct. 1, with an additional one percent raise in January. According to Provost Lawrence Ianni, representatives of the two parties met with people from the State Department of Finance to discuss the contract.

"At this point there are no mediation sessions scheduled. Neither par-

ty has expressed a willingness to move," said Ianni.

"I'm surprised," he said. "My personal prediction was that this thing was going to be settled by the time of the trustee meeting on Sept. 18."

At this point, however, it doesn't look like it will. And until the contract is approved all around, none of the hard-to-hire faculty will receive their MCSS bonuses.

Last year's contract had called for all faculty in certain departments to get the market salary, said Ianni. "That isn't happening. I don't even know, when the new arrangement is made, if that will happen," Ianni added that he thinks the faculty has expectations that will not be fulfilled.

Accounting instructors are difficult to hire because qualified people in that and related fields can make \$45,000 or more annually in outside business. The top salary for a full professor in the School of Business at SF State is closer to \$35,000, and many professors earn less.

"Any adjustment we can make to recognize the premium pay in the academic marketplace for people in accounting, finance and related fields is worthwhile," said Ed Duerr, professor in the Graduate School of Business.

Cunningham said even if teachers with their doctoral degrees in business went into teaching, rather than private industry, it would take 31 years of Ph.D. graduates just to fill the current teaching jobs available in

universities.

Duerr agreed.

"Some of the faculty comments that business salaries (outside academia) are so high you can't compete anyway. But we are not just competing with outside business. We are competing with what (salary) is offered at other universities," he said, adding that many other universities offer higher salaries for their business faculty.

"The reality is that there is a real need for quality teachers," said James Shrimp, chair of the Department of Accounting and Finance. "It does impact our ability to give the education the students want."

There are a lot of instructors who really don't want to teach and are hard to keep, said Duerr. "We have to rely on people who particularly want to come to San Francisco," he said.

He said the MCSS bonus plan would "definitely" help attract new faculty and keep the current instructors.

"The School of Business has a much higher student-faculty ratio than most of the other schools in the university. We could improve our teaching over its present quality if we could offer smaller classes, and if we had additional quality staff," said Duerr.

"The president (Chia-Wei Woo) only designated the accounting faculty as hard-to-hire, but all (business) faculty are hard to hire," said Cunningham.



Uncle Ray Solo at Fisherman's Wharf last Sunday

By Matthew J. Lee

"Committee" — a group of men who keep minutes and waste hours.
— Milton Berle

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De Bellis: lover of all things Italian

By Elizabeth White

The walls are stark and white, the air musty and cold. The maze of industrial-strength aluminum shelves is crowded with centuries-old books, manuscripts and recordings. The prefabricated linoleum floor underlies cabinets containing rare artifacts and coins.

Deep within the rows of ancient literature and musical scores rests a small 3-inch by 5-inch 15th century prayer book handwritten on pages of skin. Animal skin. Hair follicles and all.

The book, written in Latin with lettering no larger than one-eighth of an inch, characterizes one of the unusual pieces preserved in the storeroom of the Frank V. de Bellis Collection.

"Collecting is like pack-ratting," said Sorena de Bellis, the collection curator and owner. "Some people just save everything, never throw anything away. Collecting is just the same. Either you're a pack-rat or not."

Located on the sixth floor of the J. Paul Leonard Library, the de Bellis Collection is a unique library-museum of almost 50,000 pieces of Italian literature, music and art collected by de Bellis and her late husband Frank over the past 20 years.

De Bellis and her husband donated the collection to the California State University system in 1964 so that students and others could enjoy the "important contributions Italy has made to the Western world civilization."

De Bellis has an undergraduate degree in music and a master's degree in library science. She was working as a music librarian in Portland, Ore., when she married Frank de Bellis in 1962.

Her interest in Italy, its culture and music, had been an important part of her life for many years before her marriage. That interest was enhanced as she and her husband became involved in adding to the collection together.

De Bellis explained that it's not her way to acquire pieces just for their monetary value, but for their cultural value as well. She stressed that she doesn't feel the need to have every piece by a certain composer or writer; just a few pieces to represent his work.

"That wasn't Frank's way of collecting nor is it mine," de Bellis said. "Our purpose is not just to acquire...I'm not looking for a certain edition, just a nice one."

Both Sorena and her husband were quite interested in printing.

The collection has 17 examples of

complete volumes of hand-pressed literature of the late 14th and early 15th centuries before the invention of moveable printing presses. According to de Bellis, the quality of printing during these years has never been surpassed.

The collection also consists of 25,000 recordings of Italian artists. Before the invention of turntables, music was recorded on grooved 3-inch by 5-inch cylinders. The cylinders were played by placing a needle in the grooves of the turning cylinder. There are some examples of the cylinders in the collection as well as later recordings on acetate record disks.

In addition to the recordings, the collection also includes 700 artifacts and coins of the Etruscans, Romans and Greeks acquired from museums in Italy.

Sorena de Bellis has been curator of the library-museum since its opening in February 1964 when it was accepted by the Board of Trustees as a donation to the CSU system.

De Bellis is assisted by Columba Ghigliotti who acquired her master's degree in literature at SF State. Her language ability, knowledge of literature and record keeping makes her an invaluable component of the small staff of the library-museum,

de Bellis said.

The staff also includes language experts, a musicologist, and an archeologist, all of whom are available for research assistance.

Before his death in 1968, Frank deBellis was the driving force of the library-museum.

"Frank ran the show," said de Bellis. "After 1968, I was free to develop (the collection) into what I wished, although it was really just a continuation of what Frank was doing."

De Bellis continues to add to the collection, runs a weekly radio show, arranges lectures and coordinates different exhibits of the collection.

The radio show, now in its 34th year, airs Sundays at 6 p.m. on KQED-FM (88.5). It is entitled "Music of Italian Masters" and features selections of recordings from the collection.

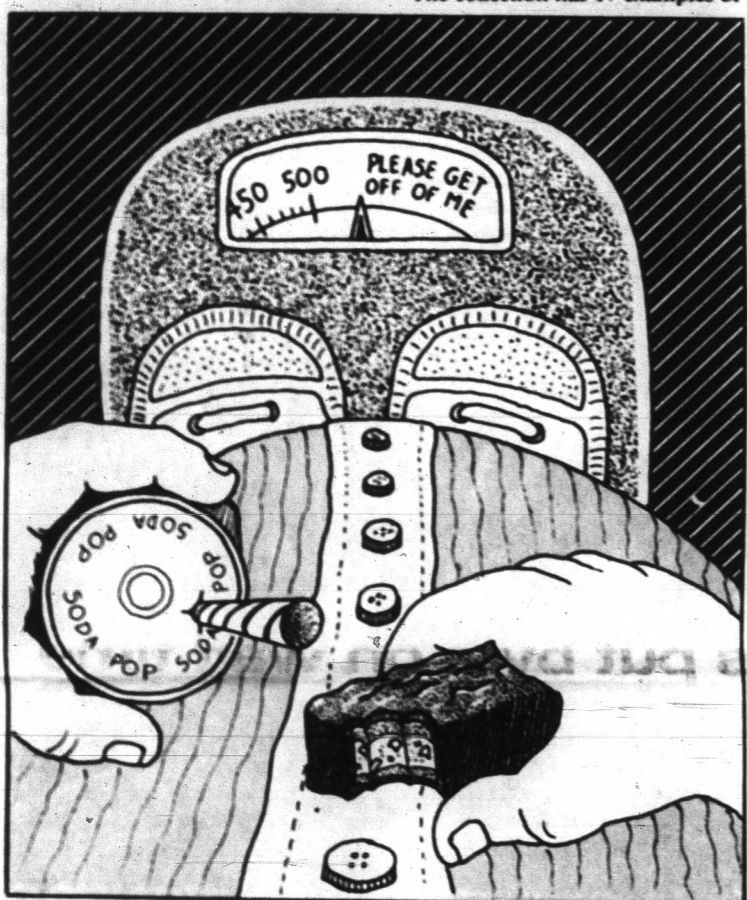
Lectures are presented from time to time by the staff on the history of printing, the bibliography of Italian music, the archeology of Italy and other subjects.

An exhibit of fine Italian printing by Italian printer Alberto Tallone will be on display in early October and de Bellis wants to encourage students to drop in and enjoy this work.



Sorena de Bellis

By Craig Chapman



Overeaters offered freedom from diets

By Debi Cicibik

Freedom is what Teresa Chew, nutritionist at the Student Health Center, emphasizes in her Overeater's Workshop.

The advantage of the workshop over other programs such as Weight Watchers, said Chew, is there is no strict diet to follow.

"I let them (students) know where the calories are," said Chew, who has directed the workshop for four years. "I don't say 'don't eat it.' You should eat in moderation, and because you want it, not for other reasons."

People overeat in response to stress, poor self-image and poor eating habits, she said.

Chew teaches new eating habits, ways to reduce "stress eating" and how to develop a positive self-image.

Students who join the workshop are from 10 to 40 pounds over-

weight and about 70 percent lose between four and 12 pounds.

Chew said she does not emphasize an ideal weight goal but has students concentrate on the weight they want to be.

The workshop usually begins with 12 students. Eight see the program through.

She encourages students to attend all eight workshops, which meet two times a week for four weeks in the Student Health Services Conference Room.

The workshops are offered twice during the semester. The first began Oct. 2 and runs four consecutive Tuesdays and Thursdays, from noon to 1 p.m. The second begins Nov. 5 and runs four consecutive Mondays and Wednesdays from 1 p.m. to 2 p.m. There is no fee.

Further information can be obtained at 469-1251.

Students' studies take them far away

By Brian Oliver

American college students usually only dream of travelling to far-away lands of different cultures and lifestyles. This dream, however, can be turned into reality, providing the travel-happy student is ambitious enough to make it happen.

Since 1963, the California State Universities have offered The International Program, enabling students to study at universities in 15 foreign countries while still being enrolled at their original university.

The program provides students the opportunity to continue their university studies overseas while gaining the personal experience of living in a new cultural environment.

Admittance to the program is very competitive and can be very costly, but for SF State student Jennifer Merrill, it was "very worthwhile."

Through the program, Merrill was accepted into the University of Heidelberg in Germany, where she majored in International Relations. This followed two months of summer school in the University of Tubingen's "Learn German in Germany" program for students with less than two years of German.

Merrill found her studies at the University of Heidelberg easier than those at SF State.

"Our system is definitely superior, but having another perspective on U.S. politics was interesting," she said.

Most students take advantage of being overseas and travel elsewhere. Merrill bought an unlimited train pass during a one month break and traveled to cities in Ireland, France, Austria, Switzerland and Italy.

"I was removed from my culture and put in others, so I was able to better see my own culture," Merrill said.

To be eligible, a student must be enrolled at any CSU campus, have

upper division or graduate standing with a cumulative grade point average of 2.75 or 3.00, depending on the program, and have the necessary academic preparation including college level foreign language where required.

Students are also required to have recommendations from two professors and to be interviewed.

Countries included in the program are Brazil, Denmark, France, Germany, Israel, Italy, Canada, China, Spain, Sweden and the United Kingdom.

Only 400 students were selected out of an approximate 700 applicants for this fall. Dr. Harry Freeman, head of International Programs at SF State, said that selection is based on the individual student's need and reason to study at a particular university.

According to Freeman, the most

popular universities are in the U.K., France and Italy. The Universities of Bradford and Bristol in the U.K. only accept five to 10 students into the program each semester. These universities specialize in geography, history, literature/history of ideas and political science.

At the University of Provence, Aix-en-Provence, France, courses in many of the social sciences and humanities are available. Two years of French is required.

Some of the programs offered at the CSU Study Center in Florence, Italy, include architecture, art history, Italian history and politics and Italian literature. There is no language requirement.

Each participant pays respective CSU fees, round-trip transportation, living expenses and incidentals. Estimated total costs for the academic year vary by country, but

range from approximately \$4,500 in Mexico to more than \$8,000 in Denmark.

Financial aid (except work study) available through CSU campuses is applicable overseas. Each year over half of all participants use some kind of financial aid to help defray their overseas expenses.

Information and application materials may be obtained from Freeman in Old Administration 225 or by writing to the California State University Programs at 400 Golden Shore, Suite 300, Long Beach, Ca. 90802.

Applications for the 1985-86 academic year overseas must be submitted by February 1, 1985 (except for the New Zealand program where applications are due by May 15, 1985).

Center offers legal advice

By Clare Gallagher

If you have been discriminated against, have problems with your landlord, own a mounting pile of traffic citations, or just need legal advice, SF State's Legal Referral Center might be able to help.

The student-run center, in room 113 of the Student Union Mezzanine, offers free referrals to legal agencies that screen for low income eligibility.

The center is unique, according to director Gina Hom, because it is one of the only student-run legal referral centers in the Bay Area which refers students to off campus agencies.

"Our main purpose is as an information center. We do not represent people in court," Hom said. "We try to help people to help themselves."

The center is financed through student fees paid to the Associated

Students and serves more than 300 people per month, according to Hom.

The center is comprised of a small paid staff, as well as volunteers whom Hom called the backbone of the operation. The volunteers receive credit through Counseling 625, Legal Referral Training.

The center also provides free income tax advice to students and the community through its Volunteer Income Tax Assistance program (VITA). There are also books and pamphlets for the lay person in addition to California Code books.

Students most frequently have questions on landlord/tenant relations, according to Hom.

Other typical problems dealt with at the center relate to: consumer rights, small business, corporations, bankruptcy, collections, labor, personal injury, domestic relations, im-

migration, criminal law, traffic court, and women's rights.

This year Hom hopes to expand the center's community outreach program to include such topics as: small claims court, tenant's rights in

San Francisco, rent control, the Solomon amendment (which links financial aid with draft registration), and the Simpson/Mazzoli immigration bill.

Volunteer Mike Storman began a program last year to help disabled students with discrimination, workers compensation, state disability, and social security. Storman is available at the center Wednesday and Thursday, 1 to 3 p.m.

Tentative hours are 10 a.m. to 5 p.m. Monday through Friday and 10 a.m. to 7 p.m. on Wednesday to accommodate evening students. The telephone number is 469-1140.

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SF State worker Foundation funds aid women wins job dispute

Will resign anyway

By Lionel Sanchez

An SF State employee who charged that he was fired because he was active in a staff union and was a victim of racism won back his job and \$5,100 in back pay in an out-of-court settlement with the university and the California State University System.

But Leon Holloway, a 28-year-old former groundskeeper, will "voluntarily resign" from his position as soon as he is reinstated, according to his attorney, Robert Mueller. Mueller represented Holloway on behalf of his union, the California State Employees Association.

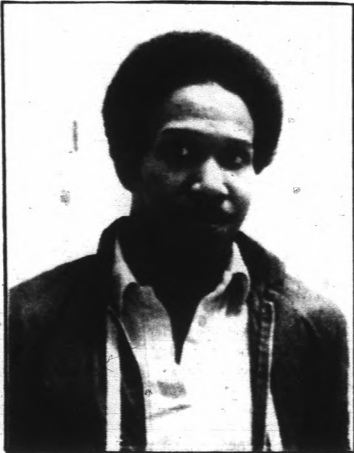
Holloway could not be reached for comment after the hearing.

Holloway was fired in June, after management in the Facilities Planning and Operations Department said he had been absent too often. Holloway appealed his firing to the State Personnel Board, and testified in a hearing Tuesday prior to the settlement that the real reasons for his firing were racism within the department and retaliation for testifying against management in the grievance hearing of a co-worker.

Since the settlement was reached before Judge Ruth Friedman could hand down a ruling, no determinations on whether Holloway's claims were valid will be made. The judge will instead hand down a ruling based upon the settlement.

Under the agreement between Holloway and the state, his dismissal will be removed from his personnel file and he will receive \$5,100 in back pay for the months of July through September. Holloway has remained unemployed since his dismissal.

The former groundsman's union representative, Bill Insley, said Holloway could have chosen to come back to work, but no longer wished to work for his former supervisors.



By Craig Chapman

Karega Rodney Hart

Holloway is one of two employees in the Facilities Planning and Operations Department to charge their supervisors with racism.

Karega Rodney Hart, a 33-year-old custodian, asked the chancellor's office to fire a supervisor and reinstate him to a position as a skilled laborer.

Hart did not formally charge racism, charging instead unfair labor practices and tampering with his personnel file. But in a *Phoenix* interview last week, Hart said that both his demotion from skilled laborer to the unskilled custodial post and an attempt to fire him last summer were due to racism and stereotyping.

Hart has filed three grievances against the department in his year at SF State, and in his third grievance claimed his contract with the university was violated in 15 sections.

According to Norm Bennett, Hart's union steward, the union will not deal with issues involving discrimination, and will only handle violations of Hart's contract.

Hart's hearing on his grievance is still pending.

Meanwhile, plant director Dave Howard maintains that his department does not discriminate against any worker's race, creed, sex or color.

By Joan Carole

Muey Sio Saechao, who could not read or write four years ago, manages the Laotian Handcraft Center store in Albany. In San Francisco a young woman has custody of her child through the aid of the Lesbian Rights Project. Pam Gray reads a poem in Santa Cruz and gets it published with help from Women's Voices Writer's Workshop.

Those unique programs help Associate Dean of Faculty Affairs Helen Stewart's argument for a close relationship between SF State and the Women's Foundation.

"I'd like the women at SF State to make the Women's Foundation a pet project — something like 'friends of the foundation,'" she said.

The three-year-old non-profit organization has distributed \$160,000 in 56 grants over the past two years to groups that might otherwise find difficulty getting funded.

The foundation concentrates on women of color, single mothers, disabled women and two separate groups with specific problems — women over 40 and women over 60.

"If we care about changing the face of this country, then we have to start targeting money to certain populations to build and strengthen those areas," said Tracy Gary, a founder and staff member of the foundation.

"We look at the trends," she said, looking out from the fourth floor office of the Women's Building at 18th and Valencia streets.

"In San Francisco over 20 percent of the women are 60 and above. By the year 2000, 50 percent of the total population will be women 45 and over."

Gary said the foundation is committed not only to raising money, but also to educating people on how to manage their money.

"Statistics show the average woman in this country over 60 is living on \$3,000 to \$4,000 a year. It's hard for any of us who are in our 40s or 50s not to be terrified about

whether we're going to have money tomorrow."

Last year the foundation conducted five financial seminars. Some women wanted to learn how to invest, others merely wanted to learn how to balance their check-books.

"Men have mostly been involved in the policy setting, and women have this math anxiety. We have to push ourselves harder to deal with our finances because society for a long time has told us that it is not an area we should get involved in," Gary said.

The Women's Foundation raised over \$700,000 in the last two years. Approximately two-thirds of the foundation's money comes from individual donors, the remainder from other foundations and corporations. The money goes into an endowment to generate interest to cover operating costs or to be used for future allocations.

Donna Hitchens, founder and directing attorney of the Lesbian Rights Project, said the \$5,000 grant her organization received from the Women's Foundation allowed her to hire a coordinator for an annual fund-raising plan.

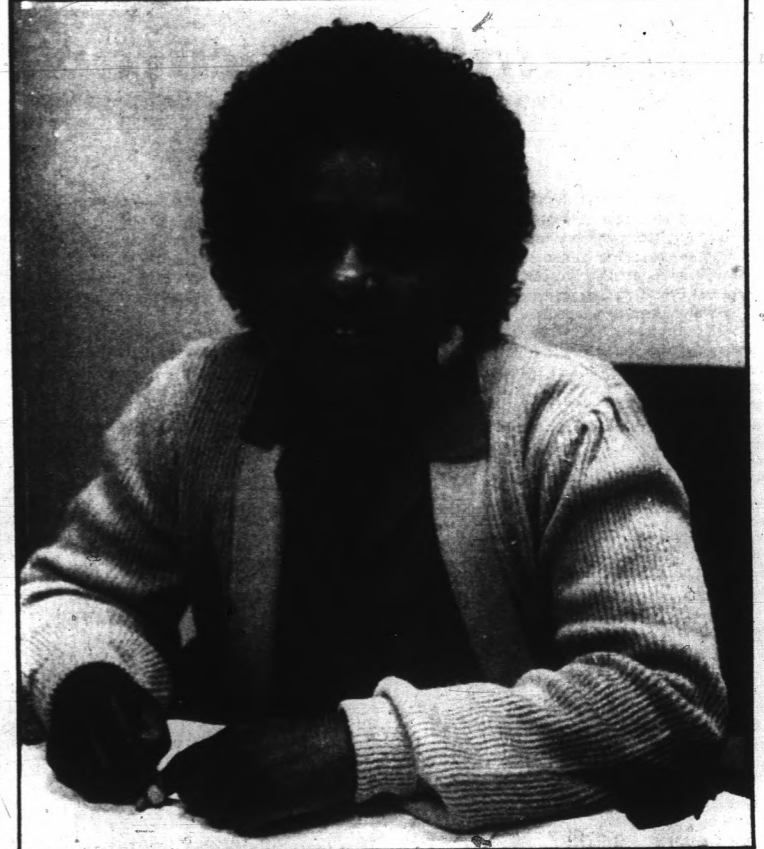
"The grant enabled us to raise \$30,000 more than we would have been able to raise last year," Hitchens said.

The project, a public-interest law firm, provides assistance to women who encounter discrimination on the basis of their sexual preference, particularly in child custody and employment cases.

Betsy Warrick, community outreach coordinator of the Laotian Handcraft Center, said the grant the center received helped Laotian women develop math and trade skills to prepare them for employment.

Pam Gray, who teaches a women's writing course at SF State, received a grant from the foundation through the Women's Voices organization.

The Women's Foundation started in 1981 without an endowment. It has grown from a handful of



By Cheryl Malat

Helen Stewart

people to an organization that has 10,000 people on the mailing list, 2,000 donors and 250 volunteers. Fifty-six groups have been funded out of 400 applicants.

Gary said, "It was an enormous risk to start a foundation under an administration that has done almost nothing to support women's progressive roles in this society."

The Ford Foundation in 1980 did a study that showed less than one-tenth of one percent of all foundation dollars went to women's and girl's programs.

Gary said the foundation is leading a feminist philanthropy movement brought on by the unmet financial needs of the women's movement.

"We know we are here as a result of the women's movement," she said. "Many of the efforts and

dreams of that force have not materialized because it lacked management skills and it didn't have the money to capitalize on marketing plans."

Helen Stewart said the foundation has a carefully planned ideology. The foundation asks the potential grant recipients, "To what extent does your activity help to empower women?"

The organization must demonstrate that not only does it perform a service, but that it empowers people to use that organization.

"President Woo is committed to SF State as an urban university — multi-cultural, multi-ethnic," said foundation board member Stewart. "The Women's Foundation is also committed to that, and is part of the urban community."

New business computers put byte on wait time

By Julia Romero

Business majors can practice computer skills on 20 new IBM PCs (personal computers) in the new "Bus-EE" microcomputer lab.

The lab was a joint effort of the School of Business and Extended Education, hence the name, according to Julien Wade, associate dean of the School of Business.

The School of Business and Extended Education each contributed about \$40,000. "It's a good example of pooling our resources," said Wade. "We agreed to share software and some of the technical support of the lab" in exchange for letting Extended Education use the lab on weekends and selected evenings, when school is not in session, he said.

The old computer lab was linked to a computer bank in the Old Administration Building, but the system was close to capacity use, said Wade. To provide more computing capacity, microcomputers connected by a "network," or central system, were purchased.

The system is expandable, and

can support additional microcomputers when the School of Business adds them. The school also has a second laboratory that will have 30 IBM PCs, 10 of which have already been purchased.

In the old laboratory, students complained of long lines and waiting lists.

Voter drive to be a class act

By Doug Von Dollen

The Associated Students is taking voter registration into the classroom this week by sending 15 volunteers into over 100 classes by Friday.

Bob Gieger, chairman of the non-partisan drive, said "The response from the faculty has been just tremendous. If the students are as enthusiastic as the teachers it should be a great success."

The AS hopes to register 150 new voters.

Several politically partisan groups including the Young Democrats, Students Against Reaganism and the United College Republicans are

"At the moment there hasn't been any wait," according to John Palme, lab manager. But, he said, "every time we get new equipment, they (students) fill it up. I assume it will be steady."

According to Thaddeus Usowicz, associate professor of Business Information and Computing Systems,

"We expect to get more PCs, so as the demand grows, we expect to grow with it."

"We're still getting it together," he said. "I think it's working quite well. We expect to spend the first semester getting the bugs out of the system. By next semester we expect to have a humming system."

also registering voters.

Ed Sullivan, campus organizer for the Young Democrats, said his group has been able to register 200 to 300 new democrats this fall.

Sullivan listed the nuclear arms race, student loans and the reducing of deficits as issues where students might prefer Mondale's positions to Reagan's.

A Time magazine poll released Monday showed voters between 18 and 24 years old favoring President Reagan over Walter Mondale by 63 percent to 18 percent.

Sayo Fujioka of Students Against Reaganism said polls can be biased. "The Reagan administration uses

private polls to affect the electorate," she said. "It tries to make the majority look so overwhelming that any opposition will give up."

Fujioka said STAR has registered 300 voters — mostly Democrats — and hopes to register many more at the activities fair today. She said STAR will have over 100 volunteers at stations around campus during the fair.

Barry Cohen, president of the United College Republicans, said young people like Reagan because "he's a strong leader and is offering a brighter future — if we're willing to work for it."

Ex-cager

Continued from page 1.

a question about some of the players' eligibility, but we double checked and it was nothing. I have gone over the records with Bill Partlow. They were checked both semesters."

But West later said that she had not reviewed the transcripts, but took the word of Partlow's assistant, Kathy Argo, that the transcripts had been checked and the players found eligible.

Welch could not be reached for comment.

His teammate, Keith Hazell, another starting forward on last

year's team, said there had been an investigation but that all players had been cleared.

Hazell would not specify who conducted the investigation or when it took place.

Last year's starting center, Everett Johnson, said the rumors about ineligible players were "taken care of," but would not give details.

According to Wilson, McCloskey laughed and denied there was an investigation when Partlow called him.

McCloskey denied laughing, but he told *Phoenix* he and Partlow discussed the eligibility of specific players.

Flood

Continued from page 1.

crisis to get everyone together," she said.

Downstairs the mood was less jovial, as hall assistants fearing electrical short-outs kept lobby power down to one neon emergency light and removed the large glass light globes which were filling with water.

By 11 p.m. the assistants were vacuuming up water in the lobby with special vacuums and had positioned large metal drums and garbage containers below the biggest trickles. The lobby air had filled with a warm, fishy smell, and water still trickled down the light fixtures from ventilation shafts.

O'Brien said damage occurred to some ceiling areas and may have oc-

curred in some electrical equipment. She said damage could not be estimated.

Also contributing to this story were Karen Jeffries and David Finnigan.

Bookboard

The Associated Students plans to have a "bookboard" in the Student Union by the end of the semester for students to advertise books for sale.

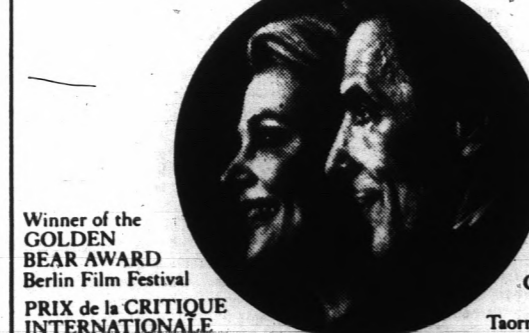
Bob Geiger, of the AS Activities and Rights Committee, sees the bookboard as an alternative to the low exchange rate offered by the Franciscan Shops, the campus bookstore.

Typically, students get \$5 or \$6 for selling back a new textbook, Geiger said. The highest sum paid by the bookstore is half-price for books in great demand.

Students buying and selling their own books will not be stuck reselling a \$30 book for \$5, he said.

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Federal Judges Contain Blacklists Case to Assure Election

Special Prosecutor & Congressional Investigation Needed: Part II

PART II

INTRODUCTION

"Say what?" Presidential hopeful Walter Mondale asked Plaintiff Jackson. "Did I hear you say that the federal judges were defacto manipulating the electoral process to assure my defeat?"

This past summer I had a very brief conversation with candidate Fritz Mondale about the behind-the-scenes role Republican Judge William Schwarzer and the panelists on the 9th Circuit Court of Appeals have been playing in defacto manipulating the electoral process. They have surreptitiously suppressed the notorious Blacklists Case in order to accommodate Reagan. Ed Meese: Gov. Deane, and former U.S. Senator Hayakawa's political careers.

I had enrolled in Professor Shortum's English class this summer, the course included the linguistic study of phonology and morphology. I was on my way to study for a test in the San Francisco Public Library and, as I entered the Civic Center area, I was profanely uttering to myself, "Ah, ah. Suddenly I noticed KQED's reporter Spencer Michaels and many other reporters and cameramen milling around. My cousin Mimi and Ron W. Medlin of AFSCME Local 2004 of Wilmington, Delaware had contacted me upon their recent arrival in San Francisco and told me about the big union convention at Civic Center Auditorium. Naturally, I assumed that was what all the hubbub was about. But then I thought to myself: When does the media give union conventions this type of coverage? I asked someone nearby why all the media fuss. She told me Fritz was addressing the convention and that a large crowd was waiting to greet him as he left the convention hall.

"Oh, good!" I told her. "I have something to tell him!"

No sooner had I joined the crowd when Mr. Democrat, Fritz Mondale, appeared on the scene shaking hands. He came up to me and gave me a big handshake, but it wasn't one of those three second shakes that he was giving everyone else. He held on to my hand and said, "Fritz, I have something important to tell you! Republican faithful Judge William Schwarzer and the 9th Circuit judges are defacto manipulating the electoral process to assure Mr. Reagan's defeat in the upcoming election!"

"Say what?" Mondale asked. "Did I hear you say that federal judges are defacto manipulating the electoral process to assure my defeat?"

Just as I was about to reply, the Secret Service people kept insisting Mondale moving toward the press. One of his aides then asked me to get the materials to their Los Angeles office.

This is Part 2 of a four-part series brought to you by the aggrieved plaintiff, the Black Students Union (BSU). Our first series appeared in this paper on September 16, 1982, which was designed to alert you to a "cover up" in progress by the federal judges. If you recall, in March 1972 the BSU had the U.S. Marshall serve a summons and complaint on Governor/Trustee Judge Schwarzer, Hayakawa and others for the use of blacklists during Hayakawa's incumbency, 1968-72. It was Reagan, in his capacity as Governor and Trustee, who instructed Hayakawa to "isolate the campus dissidents," who were in the midst of a student-faculty strike when Reagan re-elected. Hayakawa took office in late November, 1968.

In our last article, if you recall, we discussed how the 9th Circuit judges arbitrarily evoked the "absolute immunity doctrine" and denied plaintiffs due process in August, 1982. We took notice how the Bay Area journalists have engaged in "a conspiracy of silence" and have served as willing agents by looking the other way while this gross judicial impropriety took place. Why has the press been silent for all these years? Why? The American people want an answer!

Judges Defectively Manipulating Presidential Elections

The deplorable situation the BSU wishes to describe centers on the American elections of 1984. Republican faithful Judge William Schwarzer and members of the 9th Circuit have actively engaged in intentional suppression of the notorious Blacklists Case in order to manipulate the 1984 presidential election. These judges have also suppressed the Blacklists Case in order to manipulate a congressional investigation so that nominee Ed Meese III would be affirmed as U.S. Attorney General by the U.S. Senate. The conduct of the judges has been done with malice towards the voters and has been unjustified and inequitable. The judges believe that a timely analysis of the ethical standards of the Court and the influence of the Republican Party and special interest groups for good and evil on the decision-making process of the courts. Judgments in re Jackson v. Hayakawa, supra, must be placed squarely before the American people for evaluation. The immoral standards by which the judges have handled the Blacklists Case has become a major national problem, overtly scandalous and deeply threatening to the electoral process. The issue is timely, in the immediate and impending struggle for Reagan's second term in office, and important insofar as the entire future of government and the democratic process are concerned. When the courts suppress a lawsuit for political reasons, it is the American public that is actually deprived of its "right to know" and robbed of its power to respond normally to whatever the electoral situation may be, hence the blow or other harm which produced the re-election of Reagan is the greatest cause of the court's manipulation of the electoral process. The judges know they have played a vital role in putting Reagan in the White House in 1980 by concealing the Blacklists Case. And now in 1984 they're trying to keep him there for another four years. We therefore must examine the problem of judicial manipulation of the electoral process as actual causation of Reagan's election in 1980 in terms of the sine qua non, or the so-called "but for" test or "had not test." Had not the 9th Circuit judges suppressed the Blacklists Case in 1979, Mr. Reagan would not be seeking a second term. "Sine qua non" means literally "without which not." Without this Blacklists Case suppression, that (Reagan's re-election) would not be, "but for" the court's suppressing the Blacklists Case, Reagan's election in 1980 would never have happened. A cover up is a cover up, and it doesn't make much difference if a criminal in the Nixon Oval Office or Judge Schwarzer's chambers, it is still a cover up! The judges have blasphemed human rights in their malicious reviling of the Bill of Rights and the precepts of democracy. They have raped us of our rights! Denied us our day in court! Obstructed justice! Denied us basic due process! But if they think the BSU is going to idly sit back and accept this crap—boy! Don't they have another thought coming! All men of thought and ideas, regardless of their political persuasion, must rally around the Blacklists Case in what could be the last chance to resist Reagan's remaining in office for another four years.

The BSU knows that many cowardly ass teachers would rather forget the hard questions raised by the Blacklists Case, just as Tricky Dick said, "Put Watergate behind us!" We say the issues are too important for the court's action to arbitrary and dangerous to allow this Blacklists Case to be swept under the rug. If we as a people are to move ahead, we must answer the hard questions of our past fairly and squarely. The public ought to have been given all the facts about the Blacklists Case back in 1976 when it was originally set for trial, then the public would have had some true insight on Reagan's civil rights record as Governor/Trustee of California. And don't think that Mr. Reagan is going to change his spots just because he became president. As vice presidential hopeful Ferraro said: "Reagan remained Reagan—prisoner of his past, prisoner of his preconceptions. And if we let Reagan continue to be Reagan, we do so at our own peril." Mrs. Ferraro is merely saying to you, in 1984, what the BSU was attempting to say back in 1972 when the Blacklists Case was filed.

Indeed, Republican faithful Judge William Schwarzer has thrown the Bill of Rights out the window in a well-coordinated conspiracy with the 9th Circuit to not only stifle but to utterly crush the dissidence that was manifested in the nation's education via Jackson v. Hayakawa, supra. In reality, our judges became nothing but Republican rubber stamps, our Constitution became nothing but a hollow thing.

Are we going to idly sit back and let judges get away with manipulating our freedom of choice for president? Are we going to let back and let judges get away with making blatant and arbitrary decisions based on what a expedient for the conservative wing of the Republican Party at the moment? The BSU has no intention of allowing the courts to insidiously or secretly get away with this cover up. When we allow this to happen, Reagan's dictatorship is not just knocking at the door, but kicking it down! The oppressor is giving us forewarning, said "whitelisted" Professor Nathan Hare: "All it takes for evil to triumph—it has been said—is for good men to do nothing. Here continued.

Men bow down through fear and timidity, and then fall back upon the plea that they are forced to do so. Neither Hitler, nor any other man, could have hounded six million Jews without the collaboration of many more or at least their shameless passivity. Power implies some form of collaboration on the part of those victimized.

The Black Scholar

December, 1989

A full-scale Congressional investigation into the role party faithful Judge Schwarzer and the 9th Circuit have played in manipulating the judicial "check and balance" must be demanded immediately, if not sooner! For over 12 years they have hidden behind the federal rules of civil procedure in the same corrupt manner Richard Nixon hid behind executive privilege in order to curtail public debate on Reagan's criminal misconduct as governor/trustee and defendant in the Blacklists Case. Democracy cannot survive when the courts take the lead in quashing dissent. The basic tenet of democracy is that given the opportunity, the people can have a unique and significant voice in the conduct of the affairs of government—yes, public! If the public is given the "whole story," Democracy demands something from those of us who claim its privileges and rights. The judges get away with defacto manipulating the electoral process only because we let them. Have you already forgotten the words of our Nobel Prize winner for literature, William Faulkner, who once spoke of this mood of apathy when he asked: "What has happened to the American Dream?" He answered in part: "We dozed, slept, and it abandoned us. He continued.

There no longer sounds a unifying voice speaking our mutual hope and will, what we now hear is a cacophony of terror and conciliation and compromise, babbling only the mouth sounds, the loud and empty words—"freedom, democracy, patriotism"—from which we have emasculated all meaning whatever.

We would rather not have written these articles. Sadly, we live in a world where articles such as these MUST be written because of the media "blackout." We must begin the task of answers. Let's begin with a political view of the Reagan false image.

PRESIDENT REAGAN: PATRIOT OR TRAITOR?

Against the insidious wiles of a tight-lipped press and a covering-up court (the BSU conjures you to believe us, Mr. and Mrs. America), the voters of a free nation ought to be aware, since history and experience prove that ignorance, fear and apathy are some of the most useful tools of democracy. The Blacklists Case story provides us with a conflict that divides Reagan's image as he fights the Communist threat to freedom. The case presents a challenging examination of the Reagan image and how it affects your life, your liberty, and your job. Reagan has two images, and the Madison Avenue advertisers—and editors—recognize that the public mind is a clean blackboard, a tabula rasa, on which big money and slick advertisements can create any image they so desire. We are attempting to remove the patriotic false mask that Reagan has worn for the last four years. Indeed, every day has been Halloween for him—one giant patriotic masquerade. Reagan, one of our most profound political characters, wears a false face! Big money and the city slickers on Madison Avenue have depicted him as Mr. America when in reality he's a fraud. The public must learn to separate fantasy from reality. Reagan is not a patriot; he merely "appears" to be one. He is a traitor! And the BSU therefore believes it is our duty to our country to show how he related to support the Constitution, to obey our laws, and to respect our ideas, values and democratic philosophy established upon the principles of freedom, humanity and equality under the law. When we filed the Blacklists Case in 1972, we charged the then Governor Reagan with fraud. We argued that Reagan could not be, at the same time, a patriot and a traitor, since "patriot" and "traitor"

denote opposite persons. The definition of fraud should therefore be repeated here in the Reagan context.

Reagan and the local federal courts (party faithful Judge Schwarzer and the 9th Cir.) have defrauded the public of its right to know their consistent suppression, misrepresentation and concealment of material facts about Reagan's true character. Fraud is the suppression of a fact by one who is bound to disclose it or who gives information of other facts which are likely to mislead for want of communication of that fact. Here the judges have concealed the Blacklists Case, which they know is likely to mislead the public into re-electing Reagan for want of the true Reagan image. Reagan cannot be at the same time a patriot and a traitor.

The Rev. Jesse Jackson recently discovered that defendant Reagan is a fraud. And he wasted no time in attempting to alert the people when he spoke from the podium to the Democratic National Convention.

Mr. Reagan is trying to substitute flags and prayer cloth for food, clothing, and education, health care and housing. But President Reagan who asks us to pray, and I believe in prayer—I've come this way by the power of prayer. But we must watch false prophecy.

False prophecy, huh? Do you remember on March 21, 1972, when the BSU had the U.S. Marshall serve a summons and complaint on defendant Reagan for "fraud"? It is a shame that the Democrats waited until 1984 to reach a political realization that the BSU had reached in 1972. The Democrats appear to be slow learners, don't they?

Indeed, there are those judges and editors who ridicule the BSU for our argument that there needs to be a careful public analysis of the "media silence" and the arbitrary decisions of the court. These bodies want Reagan to function at the "patriotic level," so they suppress the Blacklists Case behind him at the "traitorous level"—beyond the PR gimmick! Public thinking is frequently confused with perceiving. "Seeing is believing"—and right now these editors and judges are manipulating your vision. The question that the courts and editors have been wrestling with for the past 12 years is just how much should the public be told about the Blacklists Case? Well, the BSU says that the public should be told "the whole truth and nothing but the truth." We, as an American people, cannot have local editors avoiding The Big Story, any more than we can have judges sitting on people's rights so that Republicans can prevail over Democrats. The most momentous fact about our political system is that we live under one that is persistent, obdurate—one might almost say tyrannical. Public opinion is the yardstick by which things are moved in our electoral process. In a democracy, every American must concern himself when local editors quash big stories and judges sit on cases to manipulate public opinion as a means of stuffing the ballot box for political ends.

REAGAN SYMBOLIZES FREEDOM

As we read these articles, we must recognize the role that symbolism plays in shaping public opinion at the polls. As we tell the Reagan-Hayakawa Blacklists Case story, it must be borne in mind the dual allegorical dimensions of their fictional characters. An allegory, as a general rule of thumb, is a story in verse or prose which has a double meaning; the public or surface meaning is the public relation image that defendant Reagan's strategists attempt to project to the voters. Indeed, it is natural for an actor to indulge in illusions. He drapes himself in the American flag. He projects an image of being a great American patriot who will defend American values "at point of bayonet." He's the leader of the free world, and just his presence on the political scene makes one want to stand up and start singing, "My Country 'tis of thee, sweet land of liberty," etc. Ideas, beliefs, freedom, honesty are very important to the behavior of voters in America, and the symbolic deals of democracy as articulated by defendant Reagan is one of his most powerful assets. To most Americans, the surface image of Reagan is sane and dynamic; he symbolizes a re-statement of American freedom. But a realistic examination of the hidden, unseen image of Reagan will show the emergence of a political trend which may destroy our basic freedom.

Now, on a secondary, or under-the-surface meaning, Reagan is in deep trouble. Once you understand that hidden image of Mr. Reagan, you'll quickly find that he is not about to make the world "safe for democracy." Check up on Reagan's illusions and you will understand what Thomas Wolfe meant when he said: "Making the world safe for hypocrisy." What do you think? Is Mr. Reagan making the world safe for democracy—or hypocrisy? The Blacklists Case tells the Big Story about Mr. America Reagan that can be read, understood and interpreted at two levels (and even in some cases at three or four levels). Mr. America Reagan is just as contradictory as Miss America was.

Indeed, Miss America was quickly stripped of her "crown" when the facts were ascertained to establish that she could not live up to the moral standards which the Miss America Pageant requires. For those of you who turned to page 66 of *Pen House Magazine* and discovered that Miss America ought to have been defrosted for her pornographic acts, you quickly recognized the crescendo of his fiery oration and allow this patriot v. traitor image to contradict itself. It is a naturally dramatic for Reagan to slide from the climax of his oratory in defense of the right to life, anti-abortion, pro-family, etc., but it will become incumbent upon the Democrats not to slow Reagan's reason to be camouflaged behind the flag-waving and moral issues. Open up Jackson v. Hayakawa, supra, and Fritz Mondale will be guaranteed the 1984 election! Reagan gives the nation the feeling that the Democrats have the county hanging on a precipice; he succeeded in 1980 in mobilizing public opinion behind him. And today he says that the Democratic Party has moved so far to the left that they have "left America." Well, to paraphrase Huey Long's comment that "if fascism comes to America, it will come in the form of patriotism" is certainly apropos of the Republican campaign of 1984. Reagan from the Blacklists Case because it put him on the wrong side of democratic morality. Why do you think the judges have been sitting on the case for over 12 years? Facts have a way of catching up with the Reagan Administration," said the *Philadelphia Daily News*, "only it doesn't seem to matter."

Despite the media blackout of the Blacklists Case, the public is recognizing that we have two avenues for impressions about Mr. Reagan: as we see fictitious Reagan via the PR firms and the editors, and the real Reagan as depicted in his capacity as a defendant in this case. The Democrats must be artist enough to make the public see him in reality—make the people understand his hypocritical image. The Democrats must dismantle the crescendo of his fiery oration and allow this patriot v. traitor image to contradict itself. It is a naturally dramatic for Reagan to slide from the climax of his oratory in defense of the right to life, anti-abortion, pro-family, etc., but it will become incumbent upon the Democrats not to slow Reagan's reason to be camouflaged behind the flag-waving and moral issues. Open up Jackson v. Hayakawa, supra, and Fritz Mondale will be guaranteed the 1984 election! Reagan gives the nation the feeling that the Democrats have the county hanging on a precipice; he succeeded in 1980 in mobilizing public opinion behind him. And today he says that the Democratic Party has moved so far to the left that they have "left America." Well, to paraphrase Huey Long's comment that "if fascism comes to America, it will come in the form of patriotism" is certainly apropos of the Republican campaign of 1984. Reagan from the Blacklists Case because it put him on the wrong side of democratic morality. Why do you think the judges have been sitting on the case for over 12 years? Facts have a way of catching up with the Reagan Administration," said the *Philadelphia Daily News*, "only it doesn't seem to matter."

The paper observed. It doesn't seem to matter what he says—or even whether it's true. What matters is that he says it well and looks good saying it. It won't be some TV star on a fictional show who will be making decisions about war and peace in a second Reagan term. It won't be T or Tom Selleck probably naming four Supreme Court justices next term. If he's re-elected, it will be Ronald Reagan. Party faithful Judge Schwarze and those 9th Circuit "election riggers" have put their money on Reagan. Compelled to party, the judges have resorted to a perfidious strategy to assure Reagan's re-election. After all, Reagan has a good possibility of naming the next four Supreme Court justices—can't that true, Billy Schwarzer? Do you expect to get a Supreme Court post for your role in "rigging" the '80 and '84 elections? Let's look more closely and conceptually at just what the Republican Party has managed to accomplish as a result of the suppression of the Blacklists Case by the federal judges.

JUDGES CONTAIN CASE TO PROTECT REAGAN, HAYAKAWA AND OTHER PROMINENT REPUBLICANS

Both Mr. Clean Reagan and Mr. Law and Order Hayakawa stood on the stage here in a nimbus of adoration. As their militant law and order rhetoric served only as an obfuscation of the point at issue which underlay campus problems, in fact, no two politicians in the history of the United States have benefited from campus unrest more than defendants Reagan and Hayakawa whose arguments about campus problems were full of non sequiturs. Plaintiff BSU insists that defendants Reagan and Hayakawa were "traitors"—not "patriots"—and had sought to prove our assertion in Jackson v. Hayakawa, supra. However, the trial judge, William Schwarzer, and the 9th Cir. have been shifting the case back and forth, back and forth, for the past 12 years in order to prevent the "public trial" which would support the BSU position that Reagan, Hayakawa, and others are "traitors"—not "patriots!"

In 1968, Reagan campaigned against the Free Speech Movement at Berkeley, and in 1968 Gov. Reagan made a futile bid for the Republican presidential nomination against "law and order" candidates Richard Nixon and Spiro Agnew. In 1972, Reagan made an unsuccessful challenge against incumbent President Nixon, while S.I. Hayakawa was busy switching political parties to challenge incumbent U.S. Senator Alan Cranston (D-Cal). During the 1972 period, Judge Schweigert sat on the Blacklists Case so that Reagan and Hayakawa's patriotic images would not be disturbed. Reagan came close to securing the 1976 GOP presidential nomination from President Gerald Ford. During this period the Blacklists Case was before Judge Peckham who set the matter for trial to commence November 11, 1976, but S.I. Hayakawa managed to unseat incumbent Democrat John Tunney. The Blacklists Case during this period was quickly flagged before Republican Party faithful, Judge William Schwarzer, who has been sitting on the case and shuffling it back and forth to the 9th Circuit in order to avoid a public trial which would show the public that, in reality, defendants Reagan and Hayakawa are "traitors"—not patriots! Let's now look more closely at how the federal judges have "defectively manipulated" the electoral process by sitting on a meritorious case so that voters will be deprived of their right to know. Once Reagan announced that he was available for the 1980 race against incumbent Jimmy Carter, his friends and supporters on the federal bench immediately swung into action to take the Blacklists Case "off calendar" to assure Carter's defeat in 1980 and now Mondale's defeat in 1984. Let's take it from the Schweigert Court.

U.S. MARSHAL SERVED SUMMONS AND COMPLAINT ON DEFENDANT REAGAN

On March 21, 1972 the BSU filed a complaint in federal court, and in March, 1972 the U.S. Marshall served a summons and complaint on defendant Reagan at the Governor's Mansion in Sacramento; Hayakawa and others were served on campus. The complaint was filed in the U.S. District Court, located at 450 Golden Gate Avenue in the City and County of San Francisco. The complaint served notice on defendants, i.e. the people who are being sued, that the plaintiffs (who are the people doing the suing) the Black Students Union, alleged that the federal court had personal and subject matter

jurisdiction under the civil rights violations secured under the First, Fifth and Fourteenth Amendments of the United States Constitution. The matter was before the late Judge William Schweigert, who refused to let defendant Reagan out of the suit on the grounds that he had been properly served by the U.S. Marshall (emphasis added). Plaintiffs sought to recover \$15 million in damage and injunctive relief for unlawful denial of civil rights and violations of 42 USC 1981, 1983, and 1985, Title 11, U.S.C. and the 1st, 5th and 14th Amendments to the United States Constitution, wherein the amount in controversy is in excess of \$10,000 exclusive of interest and costs.

This lawsuit is based on events that occurred in 1969-72 after defendant governor/trustee Reagan's top advisors, Ed Meese and Alex Sheriff, provided the then acting president S.I. Hayakawa with the "Reagan-Dumke State of Emergency Plan" to re-open the campus which had been closed by a student-faculty strike led by the BSU. Mr. Meese and Mr. Sheriff were among the cast of characters who practiced their "law and order" script in loud, clear voices from behind the scenes. They manipulated the hands of Reagan's hand-picked puppet, S.I. Hayakawa, to implement the Reagan-Dumke State of Emergency Plan.

The events described in the complaint began with a strike initiated by plaintiff Black Students' Union for institutional reforms and for equal educational opportunity by students and faculty attending the university. The Reagan-Dumke State of Emergency Plan, implemented by defendant Hayakawa, culminated in numerous illegal acts by the defendants. The key event in the factual background of this lawsuit is a lawful public meeting and rally on January 23, 1969 at San Francisco State in which plaintiffs participated. Defendants attempted to use the Reagan-Dumke State of Emergency Plan to prevent the occurrence of a lawful public meeting and rally, held on January 23, 1969, but when unable to do so summoned local police, who carried out a mass arrest and jailed approximately 425 persons, including the plaintiffs who were lawfully exercising their First Amendment rights to publicly assemble, engage in free speech, and participate in legitimate, peaceful dissent. Thereafter, defendant Reagan instructed defendant Hayakawa to unlawfully use the Reagan-Dumke State of Emergency Plan to punish and oppress plaintiffs by issuing a memorandum—"blacklist"—prohibiting the employment of plaintiffs and by subjecting plaintiffs to discipline without sufficient evidence to sustain a finding of misconduct.

Representing the plaintiff BSU at this stage of the proceedings were attorneys from the San Francisco Legal Aid Foundation, who included Chief Counsel E. A. Dawley; Lawrence R. Mullen, Esq.; Wendell T. Fitzgerald, Esq.; Len W. Holtz, Esq.; Ian A. MacDonald, Esq.; and Michael E. Hunter, Esq. Representing defendants Reagan, Hayakawa, Dumke, the Board of Trustees, etc., were Evelle J. Younger, Attorney General for the State of California, Elizabeth Palmer, Assistant Attorney General, and David J. Bowie, Deputy Attorney General.

Preliminary Injunction Hearing

Perhaps the most controversial aspect of the Blacklists Case was that defendant Reagan had instructed S.I. Hayakawa to "isolate the dissidents." A blacklist is the preparation of a list of persons or organizations to be discriminated against. It has been alleged that Reagan instructed Hayakawa to use such a list in retaliation against the labor organizers, student dissidents, faculty, administrators, and others who had participated in the students-faculty strike, 1968-69. The BSU alleged that American citizens were dismissed from their jobs for activities on behalf of union organization and the strike. Plaintiffs alleged that defendants Reagan, Hayakawa and others, acting in concert with them, maintained these "blacklists" which stated, in part, that "persons arrested were ineligible for employment." The BSU alleged that in America "a person is presumed innocent until proven guilty," and that the promulgation of a blacklist was done in defiance of the constitutional principle of this basic constitutional principle of the "due process presumption of innocence standard."

Lawyers for defendants Reagan, Hayakawa, Trustees and others appeared in court on September 15, 1972 to contest plaintiffs' motion for a preliminary injunction to have the Blacklists Case retracted. In our September 16, 1982 article, we discussed the result of that hearing, which was basically as follows in re Jackson v. Hayakawa, Civil No. C-72-497.

Blacklists Authenticated

1. Consult Jackson v. Hayakawa, Civil No. C-72-497, and you will find that although S.I. Hayakawa maintained that the blacklists were forgeries, Judge Schweigert, at the preliminary motion hearing, authenticated the blacklists. Judge Schweigert was flabbergasted and later described the blacklists as "a treasonous offense against democracy." His comments were certainly in support of the BSU's position that defendants Reagan and Hayakawa cannot be at the same time patriots and traitors.

Ed Meese's Call to Schweigert

2. Millions of dollars in free publicity and public relations had been spent on developing the Reagan-Hayakawa patriotic images. Judge Schweigert made it clear that he could not treat the blacklists offense as a mere peccadillo, but Ed Meese called Judge Schweigert and explained that the issuance of the preliminary injunction to retract the blacklists would do "irreparable harm" to the Reagan-Hayakawa images. Meese explained to Schweigert that he would open up a Pandora's box out of which many future political troubles would come for defendants presidential hopeful Ronald Reagan and senatorial hopeful S.I. Hayakawa. But Judge Schweigert saw the blacklists as "treasonous" and was so obdurate in his views that Mr. Meese could not budge him. So Meese immediately went to consult Reagan.

Reagan Tampered with Judicial Process

3. Ed Meese explained to Reagan that he would have to make a personal plea to Judge Schweigert. He explained to Reagan that if Judge Schweigert issued the blacklists, the question of the intrinsic morality of blacklisting would be considered public. Meese explained how they had no defense against blacklisting and that most Americans regard blacklists as immoral. With the unfolding of Watergate and the discovery that Richard Nixon had maintained "enemies lists" on American citizens, the Reaganites and Mr. Meese did not want Reagan involved in any public issue which had ethical implications. So Mr. Reagan called Judge Schweigert and begged him not to issue the blacklists retraction order for fear of such "adverse publicity" as would devastate his presidential aspirations. It was one of those "you scratch my back and I'll scratch yours" conversations.

Hayakawa Ousted: Schweigert Compromised

4. Convinced that the BSU had made a compelling argument that the defendants were more on the treasonous side of America than the patriotic one, Judge Schweigert told Reagan that Hayakawa would have to serve as the "scapegoat." Reagan was pleased because his patriotic face was going to be saved by the Schweigert deal. Reagan knew that honest Americans everywhere would condemn acts of corruption in public service, so he connived with the court to keep the Blacklists Case contained, although Hayakawa was ousted.

Free Press Tight-Lipped; Check and Balance Doctrine Abandoned!

5. The BSU argued that Judge Schweigert's action in containing the Blacklists Case in order to keep Reagan and Hayakawa's patriotic images intact would not be consonant with the aims of democracy—the public's right to know. Reagan's "State of Emergency Plan," implemented by S.I. Hayakawa to restore law and order, resulted in a debate and the public had a right to know this. One of the aims of American education is to imbue all citizens with the knowledge of our check and balance system, and it is dangerous under this doctrine to permit oneself the illusion that a judge is always right. So, citizens of the BSU attempted to "alert" the silent press about the Big Story. I personally attended the Hayakawa "ouster press conference" and was quickly told by some journalist to "hush up!" I thought that our journalists would serve as a check and balance on judicial corruption, but instead they concluded that I needed to be kept silent. ABC's KGO-TV station newsmen Van Amburg and other local affiliates, NBC's KRON-TV and CBS's KPX-TV, gave Hayakawa the big patriotic media folk hero send off. When I contact the *S.F. Chronicle*, the City Desk editor slammed the phone down on my ears and insisted that the Big Story was not newsworthy. The *S.F. Examiner* reported in its Hayakawa resignation story that Hayakawa insisted the blacklists were forgeries, thereby leading the public to believe that the Blacklists Case was a big hoax. When I inquired as to why the paper took that line, they were indeed trying to secure the truth, the City Desk editor responded that "Hayakawa's word was good enough for them!" Such a position was ironic because, like the *Chronicle*, the *Examiner* had reporters stationed at the federal courthouse, and all anyone had to do was check the public file verification of the blacklists was needed.

The verification principle says that no statement-of-fact would be considered meaningful unless it could be verified by observation or standard scientific methods applied to the evidence. This is the method that we used to nail Reagan and Hayakawa and that's why both of them had to use political clout and work behind the scenes in trying to get out of it. They cannot gansay the facts.

We don't understand why the *S.F. Examiner* inferred we were liars when there was a verifiable public record to support us. And when Hayakawa and the BSU support our lists were forgeries, he was indeed lying to the American people. Hayakawa's word "I am not a prayer book!"

Here is a man who ought to be living his life forever in obscurity, but no sooner had he been kicked out of the university presidency than he threw the tam-o'-shanter into the U.S. Senate race. Wow! Even the wool these editors and station managers pulled over the public's eyes is part rayon! It is essential that we understand the conspiracy of silence by the local news media that has provided the Court with cover because the corruption the BSU is about to explain to you in these articles could not possibly have taken place "but for" a willingness on part of the local news media to ignore their democratic role as a "check and balance" of government corruption. The Press have not dealt with the plaintiffs or the American people honestly and fairly.

Thanks to the news media's silence, the public is not able to separate the sophistry from the valid constitutional arguments pleaded by the BSU. These cowardly ass editors are afraid to uphold the justice no matter what they did. Careless journalism can bring dire consequences to an uninformed public. To clean up this filthy judicial mess will be a Herculean task, and the American people cannot allow the so-called "free press" to obstruct, hinder or impede our efforts to do so.

Honorable Judge Peckham, 1974-76

Judge Schweigert had reached retirement age, and the Blacklists Case was transferred to Lyndon John Johnson appointed Judge Robert Peckham. There were five claims before him: (1) the 425 Mass Arrestees' claim stemming from the January 23, 1969 campus bust; (2) the 613 Mass Blacklistees' claim; (3) the mass discipline claim; (4) the 40 student election dispute claim; and (5) the BSU claim stemming from the racial discrimination misappropriation of student government funds 1970-71 budget. Judge Peckham found the five claims to be perfectly meritorious and set the matter for trial to commence November 11, 1976.

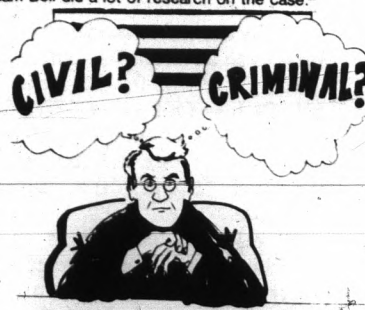
Judge Peckham maintained that defendants could not be placed beyond the law "legibus solutus," and that the use of the blacklists by defendants could not be treated as a mere peccadillo.

Defendant Hayakawa was now making a political challenge to incumbent U.S. Senator John Tunney (D-Cal.), while defendant Reagan was busy attempting to unseat incumbent Republican Gerald Ford (D-Cal.) and his son, "Kevoy," Attorney Harold McDermid, Attorney Sid Wolinsky of Public Advocate, and Attorney Jim Hendon who also made their talents available to the BSU to draw on. Legal Assistant Willie Poole and Hastings law student William Bell did a lot of research on the case.

Later in this series we are going to thoroughly examine both the factual and legal basis for Judge Peckham's conclusion that the five claims were meritorious.

SCHWARZER MOVES TO COVER UP FOR REAGAN, HAYAKAWA AND OTHERS

There had to be a great sign of relief when defendants Reagan, Hayakawa, Dumke and others were informed that the Blacklists Case had been successfully "flagged" before party faithful, Conservative Republican, Judge William Schwarzer, who was recently appointed by outgoing President Gerald Ford. Ronald Reagan had maintained, in the 1976 election, that Ford's single worst act affecting the



Republican Judge Schwarzer's Summary Judgment Motion, 1974-76

continued next page

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Republican Party was his pardon of Nixon. The pardon precluded Nixon's prosecution but perpetuated the cover up of constitutional crimes for which Nixon was ousted. Reagan was correct. The Ford pardon contributed substantially to Carter's victory in the 1976 election. With Ford now out of the way, Reagan felt he would have a "clear shot" at the 1980 presidential election if Republican faithful Judge Schwarzer could keep the Blacklist Case contained.

Judge Schwarzer was now concerned with making sure that Reagan would be nominated and elected and he was therefore expected to follow the Republican Party line to achieve its strategic political goals. Schwarzer could be trusted to take the cues from the Republican strategists and the rich interests that dominate that party. The Republican Party now has control over the case via Judge Schwarzer, who can be approached from both the strategic and the tactical standpoint, which will be needed to make sure there is no public debate—the form of a jury trial—would dismantle Reagan's political aspirations. American voters are manipulated by the amount of information transmitted to them about a candidate by the editors.

Judge Schwarzer operates on the premise that what the public doesn't know won't hurt it. The Schwarzer political strategy is based on the doctrine of *quid pro quo*, which means something for something. In 1976 the Schwarzer political strategy aims were twofold: (1) to keep the Blacklist Case contained so that the newly-elected U.S. Senator S.I. Hayakawa would serve out his Senate term, which expired in 1982; (2) To manipulate the 1980 elections by keeping the Blacklist Case contained so that defendant Reagan could make a formidable challenge to incumbent Democrat Jimmy Carter in the 1980 elections. Of course, there will be variations on the strategic goals, depending upon the polls and the political aspirations of the actors. Don and Dutch. Of course, in order to implement such a strategy the court will have to use tactics (as we shall see in our next article) which will "obstruct justice" and deny plaintiffs the fundamentals of due process.

HAYAKAWA TOP REPUBLICAN STATE OFFICIAL

S.I. Hayakawa emerged in the 1976 election as the top elected Republican in the state. He had barely edged out incumbent Democrat John Tunney (Calif.), and much of his success was contributed to the fact that Judge Schweigert refused to issue the preliminary injunction because it would run contrary to the "patriotic image" the editors and the PR people had created for him. The BSU maintained that "but for" Judge Schweigert's action in keeping the Blacklist Case contained in 1972, Hayakawa would not have been considered for another public office in 1976. "But for" the public ignorance—thanks to the cowardly ass journalists—the public was not informed about the true circumstances which led to Hayakawa's ouster as president of San Francisco State. The public was left in the dark. Another irony: Hayakawa's campaign centered around his performance as president of SFSU.



Tunney (D-Calif.)

U.S. SENATE RACE 1976

vs.



S.I. Hayakawa (R-Calif.)

"Had we known that Hayakawa had been removed as president of SFSU for misconduct, we would never have voted for him," said several elderly women.

So the decision which was made in 1972 by Judge Schweigert to keep the Blacklist Case contained was now having an impact on voters in the state electoral process in 1976. Now, was it fair to the voters to keep the Blacklist Case contained?

Republican Schwarzer's efforts to "silence plaintiffs" by keeping a meritorious case from coming to trial shortcircuits the procedures of democratic government which are protected by due process and freedom of speech. John Stuart Mill, whose "Essay on Liberty" is an illuminating defense of BSU's position, says:

The human race... If the opinion is right, they are deprived of the opportunity for exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by the collision with error.

In our country, the term "popular sovereignty" refers not just to the electorate, but to the great unorganized mass of people. Schwarzer is clearly undermining our system because our system is an idea of government by "free election," which is based on "public opinion," and this usually is taken to mean that the electorate may make its opinion known on different candidates and issues. But sacreligious Republican hands now control the case and stir it in the political direction beneficial to the Republican Party. Schwarzer will use every subterfuge to evade a public trial. But the public is deeply disturbed by the unsavory mess that is being uncovered here. We say that the April 1976 summary judgment decision hamstringing due process and must be dealt with by the Congress because the appellate apparatus fails too. Judges cannot habitually violate the laws of this land with impunity. If we are a government by the people, then federal judges ought not be permitted to keep a case from a public trial to deprive people of information and as a means of manipulating their votes.

NO MEDIA CHECKS OR BALANCES

The local editors have provided a "cover" for the court instead of a "check and balance" for the public. In 1957, James Wesscher, then editor of the *New York Post*, maintained the BSU media assessment is correct when he wrote:

It is a press that has generally grown comfortable, fat and self-righteous, and which, with some noteworthy exceptions, voices the prejudices and preconceptions of entrenched wealth rather than those qualities of critical inquiry and rebellious spirit we associate with our noblest journalistic traditions.

This quote is straight from the horse's mouth. Judge Schwarzer knew that the media were "scared of the case" when he threw it completely out of court in April, 1976 under the guise of granting Evelle Younger's Motion for Summary Judgment—a motion which says that the five claims are vexatious and therefore no public trial is needed. This was Schwarzer's way of saying that he did not want the case to enter "the competition of the market," for defendant Reagan would be perceived publicly as a traitor rather than a patriot. Taken at its face value the Summary Judgment decision, however, is misleading and philosophically tendentious. We will dissect that arbitrary decision in our later article. We will show you how the decision was suggestive of Procrustes: Schwarzer arbitrarily stretched the Summary Judgment Motion criteria and mutilated the due process clause to tailor his decision to fit the length of Reagan's political career. His arbitrary ruling is a political prophylactic measure designed to make sure that Miss Pandora's box will stay shut!

Let's look at Republican Schwarzer's political goals. First, Hayakawa was elected to the U.S. Senate in November, 1976, and his term expires in January, 1982. If the Blacklist Case went to trial as originally scheduled for November 11, 1976, Hayakawa would have to be removed from office. Then Gov. Jerry Brown (D-Calif.) would have to appoint a new U.S. Senator. This meant that the Democratic Party would secure the Republican U.S. Senate seat occupied by S.I. Hayakawa. So the most pressing tactical problem for Republican Schwarzer was to keep the Blacklist Case contained until Hayakawa's term expired. Judge Schwarzer realizes that by keeping the case tied up on appeals, he can avoid a public trial. He also knows that he is dealing with paupers who may be required to default our rights for lack of funds. He knows, too, that if the BSU appeals, it would probably take some two or three years before the appellate court could render its decision. So Schwarzer commences to abuse the appellate process by derailing a meritorious lawsuit and keeping it tied up in the appellate process in order to curtail public debate—no jury trial! So, now you probably can understand what the BSU means when we say that this case has been held up to accommodate Hayakawa's political career.

REAGAN'S FELONY A PREREQUISITE FOR TREASON

When Judge Schweigert issued an order refusing to let defendant Reagan out of the case in 1972, his anger with Reagan and Hayakawa was reflected in his comment that the defendants had engaged in a "treasonous offense against democracy." Surely these words buttressed the BSU argument that "no man can be at the same time a patriot and traitor," since "patriot" and "traitor" denote opposite persons. Treason, as we are using it, is a betrayal of public trust and confidence. Treason is also found in Article III, 3 of the Constitution. Treason "shall consist only in levying war against the United States," or in adhering to their enemies, giving them aid and comfort. But at common law, treason was considered a crime against government and justice which stood just above felonies and misdemeanors.

Hayakawa circulated blacklists based on instructions given to him by defendant Reagan to "isolate the dissidents" and authority under the Reagan-Dumke "state of emergency plan" given to Hayakawa to implement by Ed Meese, Alex Sheriff, and others on behalf of defendants Reagan, Dumke and Trustees. The BSU alleged, under 42 U.S.C. 1983, that the defendants are subject to civil liability in their action: three state of emergency claims, i.e., the 425 mass arrests, 613 mass blacklists, and 308 mass discipline claims. But Judge Schwarzer did not want the civil suit to come to trial for fear of exposing Reagan's criminal misconduct. Under 18 United States Code 241 (2) Reagan, Hayakawa, Dumke, the Trustees and others could be brought before the Federal Grand Jury and indicted under the federal criminal statutes which made this blacklisting and mass arrest conduct an offense to deprive citizens of their constitutionally protected rights a crime when the defendants subjected plaintiffs to abuses of power and gross deprivation of rights while acting under "color of state law." Such offenses are felonies and carry a maximum of two years in prison and a \$10,000 fine Schwarzer knows that it would take a grand jury less than five minutes to bring about criminal indictments against Reagan, Hayakawa, Dumke and others, on the blacklist evidence alone.

There is more involved than merely these individual, possibly severe prison sentences. A felony conviction results in permanent, serious consequences, e.g., the loss of the right to vote. Defendant Reagan would have a difficult time campaigning from a jail cell while urging people to vote for him when a felony conviction would deprive him of voting for himself. Reagan cannot be a patriot and at the same time a traitor! Now do you understand what the BSU means, Mr. and Mrs. America, when we say that the federal court's containment of the Blacklist Case constitutes a de facto manipulation of the electoral process and an obstruction of justice? Reagan would not have been permitted to vote for himself—let alone having the American people to vote for him.

The arbitrary granting of Reagan and Hayakawa's motion for summary judgment as to each of the five claims for relief in his suit violated due process. In this context due process of law hinges around the safeguard of the individual's rights to a fair and impartial trial. Judge Schwarzer is foolishly attempting to arbitrarily terminate a meritorious case for political reason. He has substituted political judgment for the "rule of law." Due process, as defined by Daniel Webster, is that "which hears before it condemns, proceeds upon inquiry, renders judgment only after trial in which the essentials of justice have been preserved." Judge Schwarzer seems to have gotten his P's and Q's confused. You see, the case is supposed to be "tried," and then he must "render judgment only after trial." Summary Judgment Motion is a motion which says that the law suit is vexatious, and therefore plaintiffs are not entitled to a public trial. So since the five claims are meritorious, Judge Schwarzer cannot use the Summary Judgment Motion as a means of letting Reagan and Hayakawa off the hook politically without doing an extraordinary injustice to plaintiffs' due process rights. Schwarzer ought to have stayed within the Webster

criticism—rendered judgment after trial, if he had done so he wouldn't be hiding today. The essence of democracy is not only the right to a jury trial, but also the knowledge that one's personal liberty cannot be disturbed except by "due process." Accordingly, the founding fathers wrote into the Constitution a Bill of Rights protecting the individual against arbitrary action by government.

Judge Schwarzer did not want to unilaterally make a decision which could possibly force Reagan from the presidential race and S.I. Hayakawa from the U.S. Senate, so he decided to pass the buck to the second tier of the three-tier judicial system, the 9th Cir. Court of Appeals. Consequently, on April 20, 1977, the court granted Reagan and Hayakawa's motion for summary judgment as to each of the five claims for relief in this action. The case was arbitrarily thrown out of court!

Representing defendants Reagan and Hayakawa at this Summary Judgment Motion were State Attorney General and gubernatorial hopeful, Mr. Pension-Getter, Evelle J. Younger and Deputy Attorney General and Matthew P. Boyle, who can be reached at (415) 557-1395. I'm sure that the American people via Congress will eventually have thousands of questions for the State Attorney General and his officials!

BSU'S BATTERY OF ATTORNEYS

Representing the Black Students Union on this motion were attorneys from the San Francisco Neighborhood Legal Assistance Foundation: Attorneys Jeffrey B. Neustadt, David F. Cavkin, Thomas W. Pulliams, Jr., David J. Rappoport, and J. Kendrick Kreesse. In addition to the Neighborhood Legal Assistance Foundation were Chief Counsel attorney Lawrence L. Curtice, employed by Howard, Prim, Nemor, Kennedy, and Pollack law firm, situated in Suite 2900 at 650 California Street, Curtice was under contract with the San Francisco Neighborhood Legal Assistance Foundation. Also, from New York City came Attorney Ronald J.L. Jackson with Engram, Owens & Jackson law firm, located at 2

West 45th Street, Suite 607, New York. Working on the case, too, was my law professor from Golden Gate Law University, Dr. Peter Pursley and myself. Now tell us, Mr. and Mrs. America, do you think that all these lawyers would associate themselves with a "vexatious lawsuit" as Republican Judge Schwarzer and the State Attorney General would lead you to believe? "The summary judgment decision is arbitrary and therefore a complete denial of due process," said BSU lawyer, Attorney Ron Jackson. "I will fight this matter all the way to the U.S. Supreme Court if necessary, and if we can't get justice there the matter should be remedied by Congress." "The Summary Judgment Motion granted by Judge Schwarzer is 'arbitrary,'" said Attorney Lawrence Curtice. "It lacks real thought, convincing evidence of sound judgment, rationally persuasive deductions. If the 9th Cir. adheres to the 'rules of law' we have an excellent chance of winning the appeal, but if the case is put before the conservative members of the 9th Cir. panelist, the case may be in serious political trouble—despite its merits."

BSU APPEALS TO 9th CIRCUIT 1977-1979

Congress has established a federal system of courts to hear cases involving federal laws. All federal judges, including the Supreme Court justices, are appointed by the President of the United States with the advice and consent of the Senate. Federal judges may serve for life until impeachment by Congress for gross misconduct, e.g., Judge Schwarzer's efforts to "defectively manipulate the electoral process" is the type of gross misconduct which would warrant a Congressional investigation if the appellate courts go along with his cover up. For instance, we noted that Gerald Ford appointed Judge Schwarzer in 1976 and the Schwarzer position is often referred to as the district judge of trial judge. The federal system is a three-tier process: first, the lawsuit commences with the judge, called the district judge. The second tier of the three-tiered federal court system is the Circuit Court of Appeals. Congress has divided the United States into ten federal circuits, and each one of these circuits has its own appeal court. San Francisco district is the 9th Circuit Court of Appeals, which is the largest of all the appellate courts and is located at the Post Office Building on 7th and Mission Streets in San Francisco. There is a total of fifteen judges divided into five panels, which means that there are three judges to a panel.

Judge Inzer B. Wyatt
Kennedy Appointee
from New YorkJudge Ozell Trask
Nixon AppointeeJudge Blane Anderson
Nixon AppointeeA STACKED DECK
605 F.2d. 1121

In order to understand the political application of the "rules of law," in our next article we are going to dissent the October 4, 1979 9th Cir. decision in *Re Jackson v. Hayakawa*, C.A. Cal. 605 F.2d., 1121, Cert. Den. 100 S.Ct. 1601, 445 U.S. 952, 63 L. Ed. 2d 787 — Civ. R.: 13.10, 13.11, 13.16, Fed. Civ. Proc. 1754, 2491.5, 2554 Judgm. 540, 653, 751 (1); Lim Act 104's, 105 (1). As you see, with the two Nixon appointees on the 9th Cir. panel, the Republican strategists still have control of the case at the appellate level just as they had political control at the trial judge level in *Re Judge Schwarzer* throwing the case out of court!

Something very dangerous to our democratic process was happening in the federal courts, i.e., the judges were clearly engaged in a "conspiracy to obstruct justice" for the sole purpose of covering up Reagan's felonious conduct. Judge Schwarzer's decision to throw the case out of court was his way of manipulating a public forum, i.e., a public jury trial.

Today news media refer to defendant Hayakawa as "Senator Sam," and on January 19, 1978 defendant Reagan was well on his way to the White House. Reagan was cheered at a nearly 1,000-packed dinner held by the Commonwealth Club at the Commonwealth Club at the Sheraton-Palace Hotel. When asked for strategy on how Republicans could beat President Carter in the 1980 election, Reagan said, "Keep your fingers crossed he keeps doing what he's doing." As for his own presidential aspiration, "I haven't crossed any doors, I haven't opened any," Reagan said to the crowd. Reagan went on to elaborate on Justice Holmes' belief that "the test of truth is the power of thought to get itself accepted in the competition of the market." He continued "The system has never failed us once. But we have failed the system every time we lose faith in the magic of the marketplace." The BSU thinks that Mr. Reagan is good at talking that "democracy stuff," but we are firm believers that "action speaks louder than words." The system is designed to secure the rich and exploit poor. The system has failed miserably. When Judge Schwarzer throws a perfectly meritorious lawsuit out of court so that you, Mr. Reagan, can win an election — the system has failed! Because Judge Schwarzer's action was designed to keep our democratic thoughts out of the market place!

He did not want the voters to hear plaintiffs' constitutional grievances. We know that when the Charles Jacksons are denied the right to speak in a competent judicial forum, the John Smiths all over the country are denied the right to hear what the Jackson plaintiffs have to say about the real Mr. Reagan. So, how can Mr. Reagan say that the system has never failed us? When the news media tell me to hush up — how does Reagan conclude that the system has never failed? Our system is an abysmal failure which curtails dissent. John Stuart Mill explains:

The peculiar evil of silencing the expression of opinion is that it is robbing the human race; . . . If the opinion is right, they are deprived of the opportunity for exchanging error for truth; if wrong, they lose what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by the collision with error.

If the system was working, Mr. Reagan, you and Meese would never have tampered with the judicial process by calling up Judge Schweigert and asking him to keep the Blacklist Case contained. Then you have the audacity to lecture on the competition of thoughts in the marketplace! The Court's contradiction! The faculty's contradictions! The Union's contradictions! These are the best test that the system has failed. I would not have to write this article if the system were working. The case carries itself! Mr. Reagan's contradiction and hypocrisy would be laughable if it were not so dangerous to the "democratic system." The mere fact that somebody like you, Mr. Reagan, could even be considered for the presidency is prima facie evidence that the system has failed. Fake democracy! That's all America appears to be about. And you, Mr. Reagan, is the biggest faker of them all. You cannot, Mr. Reagan, be at the same time a patriot and a traitor! And when you, the editors and the courts contained a perfectly meritorious case — all of you are betraying the public trust and demonstrating that the system does not work.

The Courts are out to get Ronald Reagan elected "by any means necessary," so it did not come as any surprise to us when the 9th Cir. substantially watered down the Blacklist Case, i.e., only the 308 Student Discipline Claim survived the October 4, 1978 decision, and the only reason it survived was because it was thought to be the least scandalous claim of the five claim suit. The mass arrest claim was disposed of because (1) the Court did not want Reagan and Hayakawa to stand trial on conspiracy allegations; (2) the mass blacklists claim was disposed of because maintaining "enemy lists" was an "impeachable" offense for Richard Nixon, and the probability of blacklisting occurring in presidential politics once again meant "double trouble" for defendants Reagan and Hayakawa; (3) the disciplinary claim survived because it was the least controversial one; (4) the election dispute claim didn't survive the Summary Judgment Motion because it requested an investigation into the reason why Hayakawa gave students personal funds and sought "special favors" in return from them; and (5) the racial discriminatory misappropriation of fund claim did not survive because defendants Reagan and



President Reagan and Ed Meese discuss how effective party faithful Judge Wm. Schwarzer and the Court of Appeals have, for almost 12 years, been containing the Blacklist Case which resulted in the de facto manipulation of the electoral process and the Senate Judiciary Committee's investigation into L' Affaire Meese.

Hayakawa were called upon to explain what happened to \$500,000 (five hundred thousand dollars) which was missing during Hayakawa's incumbency as president of San Francisco State, 1968-72. In other words, the 9th Cir. Court removed the "juicy parts" out of the suit without any legal basis to do so. Like Richard Nixon, the judges exploited the public ignorance and used the prestige of office to affirm Judge Schwarzer's cover-up for the most part.

On April 20, 1977, Judge Schwarzer issued a ten-page opinion in which he granted Evelle Younger's motion for Summary Judgment as to the entire lawsuit. The Republican strategists were still at work as they made sure that the majority of the panelists on the 9th Circuit were Republican appointees. Boy! Wasn't that a stacked deck! It was now 1979 and candidate Reagan had an excellent chance of unseating incumbent U.S. president, Jimmy Carter. The issue which confronted the 9th Cir. panelists was the same issue which confronted federal Judge John J. Sirica whose courtroom became the basis for uncovering the Watergate caper. If you recall, in the absence of a congressional investigation, there was pressure placed on Judge Sirica to try the Watergate case before the election in November. Similarly, pressure was now being applied to the 9th Circuit judges who believed that if Judge Schwarzer was reversed on all five claims and a public trial ordered on those five claims, the results in the November, 1980 election might be in Carter's favor because Reagan probably would be compelled to withdraw from the race.

Another reason why we cannot idly sit back and allow the courts to conceal a case in order to manipulate the electoral process is because the corrupt will not "cease and desist" by itself. Corruption is itself perpetuating. Do you recall the 1980 presidential campaign between Carter and Reagan? Candidate Reagan introduced judicial politics into the presidential race by adopting a platform that would select judges along political ideological lines. Reagan alienated the American Bar Association, which described his stand on selecting judges as "repugnant." This 25,000 member lawyer group traditionally has avoided partisan politics, but the resolution in the Republican Party platform introduced by conservative Jesse Helms (R-N.C.) received strong support from Reagan. During the platform debate, moderate Republican lawyers cautioned Mr. Reagan that the due process standard of "impartiality" of judges deciding cases of law and fact must be maintained in order to make our judicial system operate as democracy. Judicial prejudices are often deep-rooted in class consciousness, and to dislodge them in the form of judicial procedures is disturbing. "Earthy minds, like mud walls," wrote John Locke, "resist the strongest batteries; and though, perhaps, sometimes the force of a clear argument may make some impression, yet they nevertheless stand firm, and keep out the enemy, truth, that would cavitate or disturb them."

Watergate Judge John Sirica certainly gave notice to the BSU that the judicial system has a built-in "class biasness" which the Marxists tell us must be weighed when litigating against the rich and politically powerful. What chance does pauper-plaintiff BSU have against rich and politically powerful defendants Reagan and Hayakawa in a politically controlled judicial form which serves the ruling class interests only? Judge Sirica warned us that we could expect these types of arbitrary ruling we receive from the courts because in America we have a double standard; "there is one standard of justice for the man or woman who rises high enough in politics or affluence in the country, but there is another standard of justice for the little guy."

Republican lawyer Bert Jenner, a member of the Bar Association's board of governors and the Republican counsel to the House impeachment Committee of Richard Nixon, cautioned Reagan to reject any position that would politicize the courts and would encourage the judges to make decisions based on political affiliation instead of the rules of law. But these Republican lawyers were knocked to the ground as Reagan fully embraced Helms' position. Jackson v. Hayakawa, supra must be studied for it is the best example of what happens to a meritorious case when judges substitute political judgment for the rules of law as the 1980 and 1984 Republican platform called for them to do.

The BSU maintained that if the 9th Cir. does not reverse Judge Schwarzer on all counts, that this body would have to abandon the principles of the rule of law which go back to the words of the Magna Charta. To limit plaintiffs "day in court" for the purposes of shielding Reagan's and Hayakawa's criminal misconduct is to abandon what John Adams meant by "a government of laws and not of men." No two politicians have benefited from campus unrest more than defendants Reagan and Hayakawa, and the students and faculty who opposed them certainly cannot have our voices silenced. Reagan's political aspiration ought not to be the basis for deciding whether a case should or should not be tried. Our legal system is supposed to operate under the doctrine "fiat justitia, ruat coelum" — let justice be done whatever be the consequence. As men are equal before God, so we ought to be equal in God-given rights. We believe the press ought to have been monitoring these Courts.

Americans admit freely that their democracy often does not work as well as it should. One of our most glaring failures is that many people do not use their privilege of voting because they know too often that the electoral process is rigged. Even in 1979 the BSU complained that the 9th Cir. decision *Re Jackson* was containing this lawsuit to assure Reagan's election in 1980. Election improperly from 1980 is still being discussed. A recent ruling by the District of Columbia Court of Appeals unanimously overruled an order issued by the lower federal court judges which directed the Attorney General to call for a special prosecution to look into allegations that the 1980 Reagan campaign illegally obtained briefing materials prepared for President Carter before the Reagan-Carter debates.

The key memo, dated August 11, 1980, is from Max Hugel, a Reagan campaign aide who later served briefly as the CIA's director of covert activities. This memo enclosed a three-page Carter campaign document, dated July 28, 1980, that outlined strategy for the forthcoming Democratic convention and election of Reagan. Hugel wrote to Meese that Reagan's campaign manager, now CIA director, "asked me to have you review this memo which fell into my hands and to come up with some of our own strategy."

In July, Meese told the House investigator that he did not know how Reagan's campaign had obtained Carter's debate briefing book and other Carter materials. Like Ed Meese, Judge Schwarzer is a Republican team-player, and it appears that he too is preoccupied in assuring Reagan's election. It is the BSU position that Republican Judge Schwarzer and the 9th Cir. are de facto rigging the 1980 election by watering down a perfectly meritorious lawsuit to accommodate Reagan's and Hayakawa's political careers. Of the five claims before the 9th Cir., only the "308 Discipline Claim" survived because they thought this claim to be the least scandalous of the five claims. With Richard Nixon it was the wiretapping and the burglarizing by the "plumbers"; the Democratic Headquarters was the target. With Ronald Reagan there was the containment of the Blacklist Case and the stealing of the Carter papers to assure his election in 1980. Poor Jimmy! He didn't stand a chance against the conniving, corrupt Republicans. Now, if you or I had received those Carter papers, the FBI would not have hesitated to charge us with possession of stolen property. The only difference between what Reagan did to get elected and what Richard Nixon did in Watergate is one of "tactical difference," but both of these candidates were clearly engaged in conduct to "obstruct justice." And if you don't believe me, just ask these "nervous 9th Cir." judges why they have sat on this case for so long. Ask them why they are using every "dirty trick in the book" to keep the case continued.

L'AFFAIRE MEESE, III MANIPULATION OF CONGRESSIONAL INQUIRY

"It's me they want," President Reagan said after Edwin Meese's tangled finances and the post-Watergate ethic halted Meese's nomination for attorney general. President Reagan stands firmly behind Mr. Meese. When asked whether Meese had offered to step aside, Reagan responded: "I wouldn't listen if he did." And while Senate Judiciary Committee members were digging up dirt on all points about the sweetheart loans, the Republican real fear was that Senator Howard Metzenbaum and others would stumble upon Jackson v. Hayakawa. Local Republicans told Judge Schwarzer to sit on the case because even Republican Majority Leader Howard Baker acknowledged that "Meese is carrying a lot of baggage."

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The plaintiffs in Jackson accused Meese of being a fixer. He fixes cases. It was Ed Meese who gained his reputation by vigorous prosecution of students at U.C. Berkeley. It was he who drafted the "state of emergency plan" used by Hayakawa which resulted in the 425 Mass Arrestees' claim, the 613 Mass Blacklistees' claim, the 308 Mass Disciplinees' claim. We believe that Jackson v. Hayakawa is relevant to the Senate investigation into Ed Meese's affairs for these reasons: first, as Reagan's top educational advisor, Ed Meese was responsible for the attempt to fix the outcome of the criminal prosecution of the 425 students arrested on January 23, 1969. Mr. Meese was among those named in editorial and newspaper articles in the S.F. Chronicle, the San Francisco Examiner, the San Francisco Examiner, and others of working behind the scenes to dictate to judges how they should rule on their cases. The judges were outraged and accused Reagan, Meese, Mulford, Alex Sheriff and others of arm-twisting tactics which were a near miss of blackmail. Judge Schwarzer felt that since Meese was being considered for the post of Attorney General, any assertion that Meese had attempted to fix a case and that a judge screamed about his blackmail tactics would be relevant to the Senate Judiciary Committee since it showed Meese's past relations with state judges may give Congress some indication of what he would be like in dealing with federal judges. With Walter Mondale playing up the "sleaze factor" in Reagan's administration, Judge Schwarzer decided that he wanted the case contained so that the Senate Judiciary Committee could not dig up more ammunition to stop the Meese appointment. So this judge is not just satisfied with violating plaintiffs' rights of due process by manipulating elections, he now wants to manipulate Congressional investigations.

The Court contained the case so Meese would not be exposed.

BSU is asking Congress to re-investigate Ed Meese to determine if he has committed a felony under 18 U.S.C. 241 (2) when he joined with Reagan, Mulford, Sheriff and others in tampering with the judicial process.

THE NIXON SUPREME COURT

The U.S. Supreme Court is the highest court in the land. It consists of nine men called justices who are appointed by the President of the United States. This Court sits in Washington, D.C., and it presently is presided over by Nixon appointee, Chief Justice Burger. Because the President of the U.S. selects who "will or will not be" Supreme Court justices, politically-minded ambitious judges frequently show "obedience" to the political party which controls the White House rather than to the "rule of law." The appointment "system" is predicated on the doctrine of *quid pro pro*, or "you scratch my back and I'll scratch yours."

Trask, Anderson, and Wyatt are indeed doing a lot of ass-kissing here because they hope that their names will be selected at U.S. Supreme Court nominees. So, as far as I can see, the appointment process is a conflict of interests. The federal judiciary is not completely "independent" in its decision making so long as the President has to determine just how far these judges can go up or down the judicial ladder. With that type of political influence hanging over the heads of Trask, Anderson and Wyatt, we can expect them to buckle under to the slightest political pressure when told to do so. Surely you haven't forgotten the quote in our last article from former S.F. Examiner editor, Reg Murphy, who had editorialized that when judges buckle under to political pressure they also deprive the public of its "right to know." Murphy wrote:

The real losers in such ruling are taxpayers and voters. It is they who will be deprived of the information they need to make the democratic process work. And it is they who will never know what investigations were stifled. (S.F. Examiner, June 4, 1978).

The Blacklist Case had 3 editors "stifled" and the public doesn't know about it. Why? Indeed, Trask, Anderson and Wyatt have made the voters the "real losers" because, to paraphrase Reg Murphy, it is people who have been deprived of the information they need to make our system work. Trask, Anderson, and Wyatt's deliberate obfuscation of the rules of law to deprive the public of the right to know is indeed an act designed to be factually manipulate the hard-working taxpayers and voters. We say that these three weak-kneed "9th Circuit stooges" are especially blameworthy for this cover up. You three judges had better hope that my manuscript, "Make It Blacklist," will never be published because the day it hits the market is the day you'll all tender your resignations. You're not fit for federal judgeships — none of you! And you can continue to "fight like hell" to keep us from our day in court, but the bottom line is that you don't want the public to see behind the scenes the role you have played in retarding the electoral process.

"The American people need to become more educated about the operations of the judicial branch of government," said Attorney Ron Jackson. "In the upcoming election Reagan... it elected... is likely to eventually fill possibly four U.S. Supreme Court justices. Five of the nine current justices are 75 or older. The court could experience its biggest change in 50 years." Reagan, of course, is a California politician and quite naturally will look first to California to fill any vacancies. Each judge here on the 9th Circuit knows that he is a potential nominee and consequently would do nothing to upset this opportunity. The stakes are high in this upcoming election, for it could very well determine the political outlook of all three branches of government, thereby giving the Republicans a complete monopoly over the democratic system of government. So, these 9th Circuit judges want to see Reagan defeat the Democrats in a landslide victory in 1980. Consequently, they have refused to refrain from political activity inappropriate to their position. The judges contained the case, which enabled Reagan to defeat Carter in the election of 1980, and they are still containing the case in hopes that Reagan will once again be victorious. They want to bring Democratic Party candidate Fritz Mondale down to defeat, along with the "lower house of Congress." The 9th Circuit decision-makers are engaged in maintaining and, if possible, strengthening the Republican Party through and in which they exercise power and influence. Whatever inconsistencies occur within their decisions will appear to us to be dysfunctional. They are firmly wedded to the existing Reagan order by interest and politics.

"Unless the American people gain some insight as to how the court system functions," Attorney Jackson said, "our entire system of jurisprudence is going to break down! We cannot expect anything out of the Nixon Supreme Court in the way of justice." For Justice Burger will do nothing to interfere with his long-range plan to have four conservative justices to replace the liberals so that the U.S. Supreme Court can restrict First Amendment freedoms, particularly freedom of the press.

In the September 3, 1980 edition of the S.F. Chronicle, Attorney Carr, a criminal lawyer, expressed a similar response to that of Ron Jackson when he was asked what was the most pressing social issue. "The effect this administration will have as related to the appointment of federal and Supreme Court judges. In this area Reagan's policy can impact the vast majority of people in this country. It is estimated that he will have the opportunity to appoint four or five Supreme Court judges if re-elected. Indeed, the local federal judges here in California believe that their game plan calling for them to support the Reagan championship team and keep this case from coming to trial is their way of lending support to defendant Reagan."

It was BSU Attorney Ron Jackson who recognized that the 9th Circuit was filled with deception and told a "Big Lie" when it waded down the Blacklist Case on October 4, 1979. Of the five claim suits, plaintiffs now had only one, the 308 disciplinees' claim. When Judge Schwarzer abused the Summary Judgment Motion and threw out all five claims, it was Ron Jackson who insisted that the matter must be fought all the way to the U.S. Supreme Court, and if we were displeased with the high court results, Congressmen would have to be forced to act. Indeed, I expect such militancy to come from my older brother for we are descendants of Frederick Douglass, and it was he who said, "Who would be free, themselves must strike the blow."

It was Dr. Shyrer who took the lead in helping us to raise funds to take the struggle to the United States Supreme Court. Of the nine justices on the high court, we need only four to take up our issues. We must remember that the high court wants to decide cases which are of major importance and therefore is not even worried about Burger hearing the case. But we still felt it necessary to make the appeal because we recognized that the 9th Circuit judges had gotten themselves in a jam which could result in the biggest scandal in the history of the United States. Yes, bigger than Watergate! If my manuscript, "Make It Blacklist," finds a publisher, Reagan will probably resign immediately, along with these judges, but as long as the publishers and editors are afraid of the case, that manuscript will not see the light of day. These judges deftly manipulated the electoral process in 1980 and are doing it once again in 1984. So our appeal to the U.S. Supreme Court — despite the politics at the Court — was designed in part to give the high court an opportunity to clean up the messes of the inferior courts and to the Senate. When the 9th Circuit judges had acted so "arbitrarily" in reaching their findings of facts and conclusion of law, Attorney Deukmejian responded, diplomatically, by alerting the court that Reagan had just been elected and as well as that of U.S. Senator S. I. Hayakawa.

We think it just that plaintiffs should not be able to try again. The arrest in question occurred in January, 1969 — when Max Rafferty, Lt. Governor Reinecke and Governor Reagan were in office. Mr. Lynch was Attorney General and Hayakawa had not yet retired and gone to the U.S. Senate. That's why the case hasn't come to trial. That's why my manuscript hasn't been published. That's why the editors have looked the other way. Everyone is afraid of the case. Yet no one in the Establishment is willing to say that he or she hates Thomas Jefferson for including the words "All men are created equal" in the Declaration of Independence. Upon our entrance to the United States Supreme Court we found stop the building which houses the Court, the promise made to all Americans: "Equal Justice Under Law." The promise of equality, however, will never be completely fulfilled as long as the President of the United States is in a position through the selection process to deftly manipulate the judges.

The struggle to fulfill the "promise of equality" has involved the efforts of many people on this case and for an unreasonably long time — justice delayed is justice denied — to secure the "inalienable rights of plaintiffs" and all Americans alike. This case is a struggle for equal rights pursuant to the 14th Amendment which was adopted in part so that all citizens were guaranteed "the equal protection of the laws." This clause seemed to say that all Americans must be treated equally by the law. But in this case the 14th Amendment was largely ignored as a way to fulfill a political ambition. And Attorney Ron Jackson and others did not hesitate to tell the U.S. Supreme Court that the 9th Cr. was "fighting like hell" to keep plaintiffs from having their day in court. He accused District Judge Schwarzer and that corrupt 9th Cr. bunch — Anderson, Trask and Wyatt — of "substituting political judgment for the rules of

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law Attorney Jackson wrote

The factual background of this case compels the attention of all lovers of our Constitution. It also exposed a calculated disregard for this Court's existing precedence by the State Attorney General, the trial court and the 9th Circuit Court of Appeals.

The abrupt dismissal of this meritorious case was a tragic blot on the administration of justice and a setback for democracy. It was a felony and a crime, a decision that was less human and less generous than any local apology as applied to students' civil rights. The courts below have allowed defendants to operate above the law—legibus solutus—and petitioners could find no real security under our Constitution. It was a counterfeit constitution, which means there is no security, no order, no peace and no real freedom for anyone. It is the deplorable truth that the courts below have conspired to politically dispose of this because defendants hold office in government, and summary judgment was used as the legal vehicle that would let them escape the penalty for their brutality and lawlessness. The courts below would allow defendants to "tear up the Bill of Rights" as though our constitution was a document of "octroyes" of the 19th century Restoration—a constitution gratuitously given to us by the king. This is not a case in an exercise of Zoroastrian theology, the struggle between the forces of darkness and light. There were clear factual disputes and a series of fundamental constitutional questions for a trial of fact. Petitioners were entitled to have "their day in court."

Writ of Certiorari to U.S. Supreme Court, Feb. 6, 1980

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Here we have two members of the American Bar who have made it crystal-clear that the judges have politically covered up this case.

An election is a choice, by persons qualified to vote, among candidates for public office. The high court understood the political plays made by the lower courts, its members, too, decoded the Deukmejian paragraph, and the judges seemed to be saying that the electorate, if left to itself, could not make the best choice among competing presidential candidates. Such a choice, it was thought, should be confined to an intermediate judicial body of able and responsible judges. Thus, although the Constitution of the United States provided that the electoral college should choose the president, in reality the judges are deftly choosing him for us. The Supreme Court denied our writ, as expected, but the cover-up of this case has tended to result in the manipulation of the electoral process which is now a matter for Congress. The courts have not acted pursuant to the values of a democratic society, but to values we would expect to find in a totalitarian state where there is one official party which monopolizes the ballot. The judges are experimenting with a Reagan preferential vote in which the voters are asked to vote for patriotic Reagan. They are using complex federal rules of the court to keep a meritorious case contained so that "traitor Reagan" won't be seen publicly. We must all go straight to Congress not only to remedy the misconduct of the judges, but also to bring about their indictment for "obstructing justice" and "abusing the judicial process." We cannot allow the "unselected judges" to determine who will or will not be President of the United States. That is a choice for the voters — not the courts! Indeed, we learned from the Watergate affair the extremes Republicans will go to — when faced with a perceived threat to their presidential candidacy.



Remand

On October 4, 1979, the 9th Circuit remanded only the 308 disciplinees' claim for trial under the principles of *res judicata*. Defendant Governor-Trustee Reagan and defendant S. I. Hayakawa pleaded that Judge Schwarzer had managed to keep the case contained. Defendant Reagan was elected on November 4, 1980 as the 40th President, and he proved to be a master of media manipulation and a champion of the right-wing element of the Republican Party. Although the BSU lawsuit maintains that defendant Reagan cannot be a patriot and a traitor, Reagan ran a successful campaign which reflected the values of church-going, deeply patriotic, small-town Middle America. Defying the prediction of a close race, Reagan won a landslide victory which sent President Carter and the Democratic Party down to defeat. The GOP unexpectedly took control of the Senate for the first time in 26 years. Reagan's campaign against the Congress in 1980 was supported by the right-wing political action committee, which was aided by Jerry Falwell's Moral Majority and the Right to Life movement which ran independent campaigns and targeted certain senators and congressmen whom they opposed. Judge Schwarzer, a political right-winger himself, was angry with the 9th Cr. because Governor-Trustee Reagan and S. I. Hayakawa had been ordered to stand trial for violating the 308 students' rights of due process pursuant to the Oct. 4, 1979 remanded decision. Yet Judge Schwarzer thinks that liberals are asleep, apathetic, disoriented and disorganized. In fact, most liberals didn't even take the Blacklist Case seriously, and it is hardly an exaggeration to say that the decision rendered in Jackson v. Hayakawa has clearly changed the course of American political history.

The BSU knows that many of your political pundits out there would argue that there was nothing in Jackson v. Hayakawa, supra, that would have had sufficient impact to stop Ronald Reagan, given the landslide victory he received. The BSU disagrees. First of all, the 9th Cr., in its Oct. 4, 1979 decision, removed the "juicy parts" of the suit because it feared that Governor-Trustee Defendant Reagan would be indicted by the grand jury and forced out of the political race just as his Lt. Governor, Ed Reinecke, was forced to withdraw from the governor's race after an indictment from the grand jury. Wyatt, Trask and Anderson knew that they were doing what they watered down the lawsuit without a legal basis to do so. Under 18 U.S.C. 241 (2), Reagan, acting under "color of state law," could be indicted and convicted. A felony conviction results in permanent, serious consequences, e.g., the loss of the right to vote. Defendant Reagan would have a difficult time campaigning from a jail cell while urging people to vote for him when a felony conviction would deprive him of voting for himself. Yes, Jackson v. Hayakawa, supra, would have made a difference in the outcome of the 1980 election. We don't think the judges ought to be making decisions based on their beliefs that the national mood is against "liberalism" and for "conservatism." The people simply must move more about the decision-making process of the courts if we are going to play any part in the political process through which judges must be held accountable for their acts. The study of the 9th Circuit politics is more than looking at individual acts by the court. True, many important aspects of political life, such as voting, writing letters to Congress and keeping alert to political events must be shouldered by the individual, but we all realize how the misconduct of the principal court has degraded the democratic process.

The news media's corruption of the political process made the court cover up possible because of lack of public debates on BSU grievances. Much of what we analyze and report will never appear on the evening TV news. But you will be amazed how, at times, this case is far more critical to you and your way of life than you may realize.

Keeping Jackson v. Hayakawa, supra, off jury trial calendar was the court's way of deftly manipulating the electoral process, and it resulted in both Hayakawa's election to the U.S. Senate and Reagan's election to the presidency. This is far to the American voter? Democracy is based on the assumption that voters will make the proper choices, but democracy also assumes that the voters have the information on which to base these choices.

SCHWARZER'S SETTLEMENT PROPOSAL

U.S. District Judge William Schwarzer had not anticipated either the legal or political opposition he is receiving from the BSU. He was looking for a way out of his troubles, so he proposed a settlement where my lawyers would get a large amount of money in "attorney fees," but the plaintiffs would take nothing in the form of monetary damages. Attorney Larry Curtice attempted to sell BSU this proposal, and we quickly told him to "get fucked!" BSU was not going to allow Judge Schwarzer to abuse the judicial process by gaining "leverage with my attorneys" in the form of his authority to award them attorney fees. BSU contacted Leonard Post, on the advice of the ACLU, and asked him to assist me in reviewing the claims. But after a lengthy conversation with Curtice and Schwarzer, Post, too, tried to jam a settlement down our throats. So, BSU discharged attorneys Post and Curtice and substituted Attorney Peter Pursley. He would later be joined in the case by Attorney Harriet Williams and Steve Schectman. Plaintiffs rejected the Schwarzer settlement proposal on the basis that all the money was going to the lawyers and hardly anything to the 308 disciplinees' claim members. Moreover, we saw Judge Schwarzer using the "settlement proposal" to conceal his own criminal misconduct. Dr. Peter Pursley, who had said his claim when the 9th Cr. affirmed Judge Schwarzer's dismissal of the 613 Blacklistees' claim, was now designated by the BSU as chief counsel.

JURY TRIAL DEMANDED

On October 9, 1980, plaintiffs filed a Fourth Amended complaint, and on October 17, 1980 plaintiffs filed a timely demand for jury trial. The remaining lawsuit at this point was an "action of law" and an "action of equity." The term "action in law" means money damages that the jury will award the 308 students' rights of due process has been violated in "bad faith." In reversing Judge Schwarzer, the 9th Cr. said this:

We agree with plaintiffs and believe that *res judicata* principles entitles them to affirmatively rely upon the limited due process holding of *Wong Jackson v. Hayakawa*, 605 F.2d 1121, 1129 (9th Cir. 1979) cert. denied, 445 U.S. 952 (1980).

The decision of the 9th Circuit in Jackson v. Hayakawa was rendered against defendants Hayakawa, Trustees of the California University and Colleges, of which Reagan was a member, Dollard, Duerr and others individually and in their official capacities. In reversing Judge Schwarzer, the 9th Circuit further indicated to Judge Schwarzer that the qualified immunity standard of *Wood v. Strickland*, 420 U.S. 308 (1975) applies to this lawsuit and that the question for the jury is whether plaintiffs can show that defendants acted in bad faith remains open for damages. (See Jackson v. Hayakawa, 605 F.2d 1121, 1129, note 11.) What the 9th Cr. is saying here is: the 308 students' right of due process was violated; however, since defendants are being sued for their action as "state educational officials," the U.S. Supreme Court has held in *Wood v. Strickland*, supra, that defendants' educational official status enjoyed only a "qualified immunity."

In other words, if the BSU can show the jury that the disciplinary procedures were carried out in "bad faith," then the jury may very well award plaintiffs the multimillions of dollars they were seeking as damages. An action in law is a lawsuit for money damages. So the issue which the BSU was going to place before the jury to determine is whether defendant trustee Reagan, President Hayakawa and others had acted in "bad faith."

The lawsuit at this stage was also an "action in equity." Equity cases can be distinguished from law cases by the type of relief sought in the complaint. An equitable right is a legal right that should be enforced because of fairness or a right which is enforced by a court order for relief, e.g., the 308 students asked the court to "expunge their disciplinary records." This is equitable relief. So those of us in the field of law would describe the surviving "308 disciplinees' claims" as an "action of law" because we are seeking money damages, and an "action in equity" because we are seeking a court order to expunge the disciplinary records. Now, can you tell me what's the difference between an "action of law" and "action in equity"?

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Attorney General Deukmejian's Plea

In the darkest days of Watergate, confidence in our government was at an all-time low. It was a sad occasion when the Special Prosecutor was appointed to impeach President Richard Nixon, but among the bright glimmers of hope was a courageous Congress determined that the principles, values, and ideals of our government would survive not by ignoring the problem but by facing up to it. The BSU has to face the sad realization that the local judges have been taken their cues from the State Attorney General's office in assuring that the case stayed continued.

BEHIND CLOSED DOORS

The S.F. Examiner did a story on the case when Hayakawa was running for the U.S. Senate. The October 30, 1976 story, entitled, "Hayakawa's Blacklists Back in Court!" made Federal Judge Schwarzer very nervous. Moreover, public lack of confidence in his performance on this case came when the San Francisco Board of Supervisors passed unanimously the "Nathan Hare resolution" calling for Governor Brown and other appropriate investigative bodies to look into the mass blacklisting which had taken place during Hayakawa's incumbency. Since both Judge Schwarzer and the 9th Circuit had already made a finding that there was "nothing to the blacklist allegation," the S.F. Supervisors thought otherwise and called for a full-scale public inquiry. Judge Schwarzer's game plan was to keep the press out "by any means necessary." So he did something unheard of in the pre-trial, this controversial case will be conducted "informally," and his "secret chambers," and there would be "no recordings" or minutes of the proceedings taken — no public record!

The BSU recognized that Judge Schwarzer had blundered, and since the 9th Cr. was unwilling to correct his mistake, we're going to take this to someone higher — the public and the Congress. And, boy, they're going to tear you judges apart. This is not a threat, but all one has to do is "listen to the chamber music" and see that Schwarzer conducted the case informally so that no public record could be documented as to his own government and corruption. Where his action cannot be exposed for the record, it cannot be questioned for error or corrected by the American people. However, Judge Schwarzer did make good on his promise to keep the matter in chambers and informally "off the record."

Judge Schwarzer insisted that he was not going to allow any more "open hearings on this case!" Everything now would have to be conducted in chambers — away from public viewing. In his June 16, 1980 letter addressed to Matthew Boyle, the BSU's newly-appointed attorney, Leonard Post, with Harrington, Haubrich & Post, located in Oakland, California explain the status of the suit as such:

Pursuant to our discussion at the Status Conference with Judge Schwarzer on June 6, 1980, and our subsequent agreement at the Judge's suggestion, to conduct discovery "informally," I am making the following discovery request. You stated in the elevator that you have been buried under an enormous caseload, and therefore, that you may not be able to comply with this request in the near future. Although I respect your position, I must remind you that the Judge wants this case to proceed forthwith. We are in the process of preparing a settlement demand. We are also in the process of preparing an amended complaint so that, as you suggest, the complaint reflects the present status of the case.

Harrington, Haubrich & Post
June 16, 1980

Whenever the case came up for hearing, it was always conducted behind closed doors in the judge's secret chambers where it could not be exposed for the record and could not be questioned for error or veracity. For example, on December 7, 1979 a status conference was held by Schwarzer — but not recorded. On January 25, 1979 a status conference was held by Judge Schwarzer — but not recorded. On May 2, 1979 another status conference was held by Schwarzer, but not recorded. On August 22, 1979 still another status conference was held by Judge Schwarzer — but not recorded. And on Sept. 12, 1979 a status conference was held by Judge Schwarzer but not recorded. On October 24, 1979, a status conference was held by Judge Schwarzer — but not recorded. The judge conducted the entire proceedings from his chambers and wouldn't allow recordings to be used. It was this "kangaroo type proceeding" which took place and enabled Judge Schwarzer to openly "bribe" my attorneys; he made sure that he was not on record so that his corruption could not be detected.

The entire judicial proceeding was handled like a "kangaroo court," and plaintiffs' rights have been kicked around like a political football. Attorney Ron Jackson observes:

due process of law still was lacking. Adding to this blindness a "presumption of irregularities" to sustain which has thus been done makes a mockery of judicial proceeding in any sense of the administration of justice, and a snare and a delusion of constitutional rights for all unable to pay the cost of securing their observance.

Schwarzer kept the case locked up in chambers so that the public would be left in the dark. Facism fears a free flow of information more than anything else. This is the first thing noticeable about Schwarzer's decisions; they cannot stand the light but neither can his misgovernment nor judicial corruption. The California judges ought to take heed of the words of the Arkansas Justices:

The public has every right to ascertain by personal observation whether its officials are properly carrying out their duties by responsibly and capably administering justice. . . . The handling of the public's business in secret and behind closed doors not only causes the public to view the results with distrust, but it deprives the public of sufficient knowledge to make adjustments in the law or the judiciary.

We do not want the judges pulling the blinds down to keep out the public, and we feel that Judge Schwarzer was able to abuse the judicial process because the editors don't want to make waves. *Regnat populus!* Means that people rule, and before the people can make choices on various political candidates they should be given all the facts in order to make their decision, and when the people are informed, they will be less likely to have their votes manipulated. Thomas Jefferson said it better than anyone that this requires a public that is "unhindered, to uncover the hidden facts." Well, Mr. and Mrs. America, Judge Schwarzer kept the case locked up in chambers because he had hidden an awful lot on defendants Reagan, Hayakawa, Dumke, the Trustees, and others. Isn't that true, Judge Schwarzer? Judge Schwarzer, why did you keep the public out? Don't you realize that the American people are very anxious to find out now exactly what you've been trying to keep from them about defendant Reagan? Your covering up has increased public curiosity — don't you realize that?

ATTORNEY GENERAL DEUKMEJIAN REMINDS SCHWARZER OF THE NATIONAL AND STATE POLITICAL PERSPECTIVE

U.S. District Judge Schwarzer was taking his cues from Republican Attorney General Deukmejian. He, in turn, was keeping the national political perspective in focus for Judge Schwarzer. Thanks to the "conspiracy of silence" in the media and the "closed chamber approach" to these proceedings, public debate has been substantially curtailed, and as long as the plaintiffs do not get a full airing of their grievances the Republican Party mandate given to Reagan in 1980 will not be stopped in 1984 — not by the Democratic Party unless it becomes aware of this suit and uses it politically in its favor. Judge Schwarzer is but a link in a chain, and so what if he eventually ends up resigning — he still looked out for the "greater good," i.e., the Republican Party's interest at large.

On November 4, 1980, thanks to the media blackout of the case, a number of the nation's ablest senators went down to defeat — senators such as Culver of Iowa, Nelson of Wisconsin, Bayh of Indiana, Church of Idaho, Durkin of New Hampshire, Magnuson of Washington, and Morgan of North Carolina. They went down to defeat as a result of the Reagan mandate. And so there was an all-out effort at this stage of the lawsuit to step up the suppression accelerated by Reagan's popularity because the court felt that if Reagan were to stand trial in his capacity as Trustee or Governor, Reagan would be quickly retarded by the trial. The suppression of Jackson v. Hayakawa has thus resulted in the de facto manipulation of the electoral and democratic process, and that's just fine and dandy for gubernatorial hopeful Attorney General Deukmejian, who believed he could squeeze out Bradley in the upcoming 1982 gubernatorial race. So the study of the Blacklist Case is more than looking at individual acts of Judge Schwarzer. Politics is concerned with the manipulating of the judicial and media decision making process which is involved in the distribution of payoffs, or *quid pro pro* — "you scratch my back and I'll scratch yours." In democratic politics, leaders must compete for the vote. The politics of the Schwarzer court is to make sure that the case remains suppressed so that Republicans will exercise a material advantage, but he took his cues from Attorney General Deukmejian who, in 1981, advised him to throw the Blacklist Case out of court — and to take full advantage of the media silence!

Judge Schwarzer had already been reversed once and felt that if he was reversed twice the media would be compelled to take notice of the case. But Deukmejian merely reminded Judge Schwarzer that "the greater the risk, the greater the profit," and that the risk he had already taken in throwing the case out of court, via the Summary Judgment motion, had profited Republican U.S. Senator Hayakawa greatly because it resulted in Tunney's ouster and the case being bogged down in ostensible legal procedural matters so that Hayakawa could serve out his six-year term in the U.S. Senate, which will expire in 1982. The containment of the case repaid a large Republican profit because in 1980 Reagan was elected President and took control of the U.S. Senate. So Deukmejian wanted to make sure that the Attorney General's office would not be accused of complicity in a conspiracy to obstruct justice while he was vying for the governor's seat. Thus Judge Schwarzer was once again instructed to throw the case out of court — to keep it tied up in the appellate process so that a public trial would be avoided and, consequently, Reagan would not be exposed as a traitor instead of a patriot. Once again Republican strategists have evaluated the status of the lawsuit and determined that the case was still detrimental to the Reagan Administration in Washington and the state Republican Party for these political reasons:

RETARD REAGAN'S POPULARITY

(1) In 1981 Reagan's popularity was soaring after an abysmal assassination attempt by Hinckley. This popularity contributed greatly to the success of Reaganomics. A public trial would possibly "retard" that soaring popularity as supported by the BSU hypothesis that Reagan cannot at the same time be both a patriot and a traitor.

GET RID OF TIP O'NEILL IN THE LOWER HOUSE OF CONGRESS

(2) Reagan's popularity in 1980 provided the cat tail for other Republicans to defeat Democrats in the U.S. Senate. The last bastion of defense for liberals was the House of Representatives, presided over by Tip O'Neill (D-Mass). If Congress were to take up the issue whether Judges Schwarzer, Wyatt, Trask and Anderson were deftly manipulating the electoral process, investigation would probably come from the Democratic leadership in the House since the House is the last "check and balance" on the excesses of the Radical Right's handling of the Blacklist Case. But a mere gain of just 26 seats in the 1982 Congressional election (half of what was lost in the Reagan landslide, 1980) would put all of Congress in the hands of the Far Right and insure passage of Reaganomics.

"There is no question about it," said John T. Dolan, director of the National Conservative Political Action Committee. "We are a negative organization — we're not interested in respectability. We're going to beat them [Democrats] and send a shiver down the spine of every Senator and Congressman."

He continued: "Images are important, not issues. . . . We start early and use repetition, and it's bound to have an impact."

The American people didn't elect the judges, but they have contained this case and therefore have tremendous power and influence over the electoral process. The stranglehold of the powerful Republican interests on this case must be broken if government is to work effectively and to deal with the complex problems facing our nation today.

continued next page

SECOND DISMISSAL

Judge Schwarzer didn't want the case to come to jury trial — not while Reagan was President and Hayakawa still in the U.S. Senate. And although the 9th Circuit had substantially watered down the case in its October 4, 1979 decision, Judge Schwarzer wanted the case watered down some more. Plaintiffs' action in law, the efforts to secure damages, means that plaintiffs are entitled to a jury trial. Our action in equity means that we are entitled to have our disciplinary records expunged but no jury trial. The 11th Amendment's absolute immunity doctrine means that plaintiffs' action in law would entitle them to a jury trial. Judge Schwarzer had made it clear to Deukmejian that Reagan did not have a legal leg to stand on. He was properly served by the U.S. Marshall in his capacity as Governor and Trustee, and the 9th Circuit had already held, under *Wood v. Strickland*, supra, that the Trustees (no exception for Trustee Reagan) did not enjoy an 11th Amendment absolute immunity. However, Deukmejian insisted that the 9th Circuit would indeed back down from their 1979 decision for political reasons. Evoke the 11th Amendment and moot out the plaintiff's action in law so there won't be a jury trial—that was Deukmejian's plea to Schwarzer. And on March 25, 1981, Schwarzer issued a memorandum and opinion and order dismissing this lawsuit a second time with prejudice. In the March 23, 1981 order, Schwarzer made a faked reference to the October 4, 1979 decision that the 308 students' right of due process had been violated. "He ignored the res judicata holding," said Dr. Pursley, who was now preparing the record for a second appeal to the 9th Circuit.

SECOND APPEAL (1982) WILL REAGAN AND HAYAKAWA STAND TRIAL?

Few Americans would argue that the continued existence of a free and democratic society depends upon the recognition that justice must be administered with an "even hand" and be based upon an impartial tribunal which adheres to the rules of law as defined by the U.S. Supreme Court. Indeed, the Schwarzer Court is abusing the rules of law and does not concern itself with human rights violations, such as blacklisting. Respect for law has been destroyed in this case, and rational self-government is impossible.

Press Tight-Lipped

So, the question was: Who is "watching the courts"? Congressional monitoring of judges' misconduct is a joke, and everyone versed in politics knows it, including the judges! To be sure, the judges seldom assert the court's real political reasons for containing the case. And like the rest of the state political machinery, the court is an instrument of the "governing nobility." Its primary purpose is to defend the existing status quo and to protect the interests of the ruling elite while somehow giving the impression to the public that judges are protecting the public interest. Indeed, the news media, in particular, promote the myth that the courts are above politics. Their decisions and interpretations are portrayed as issuing from an impartial, objective and dispassionate consideration for the supreme law of the land. Yet, anyone having cursory knowledge of the legal system can see that Judge Schwarzer has been handing down decisions in such a way as to reflect the overall interest of the Republican Party in any given election. His decisions highlight the essentially political character of his court. Here we have a situation where Ronald



Conspiracy of Silence

Reagan and Senator Hayakawa, in their capacities as state officials, are pleading with the court not to force them to stand trial for political reasons; yet, the local news media establishment has concluded that this international story isn't newsworthy. Why? How is it that the news media don't feel the need to check out the judicial wheedling and dealings which have taken place in this case. Surely our editors and reporters do not mean to suggest that their "silence" on this case for all these years stems from the fact that they don't believe the courts need watching. Why doesn't the press go after the big fish? Why can't it be a subject of public inquiry. *Jackson v. Hayakawa* is this nation's "hottest potato" and the big story is not just about the judicial corruption which has resulted in the de facto manipulation of the electoral process; it is equally about the ignorant Americans—and those journalists who have been guilty of inadequately informing and deliberately misleading the public.

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Something very dangerous is happening in America, and few people appear to be aware of it. The junior Senator from California and the President of the United States of America have petitioned the court not to force them to stand trial for constitutional violations which the court itself found they had violated. The 9th Circuit has already held that the defendants violated the 308 students' rights of due process in their last decision. Yet, the judicial and media corruption is one that almost every American would rise up to combat if he or she were conscious of the "conspiracy of silence" in the news media which paved the way for the "abuse of the judicial process" by the federal judges. But the privately owned and Orwellian-controlled news media—despite their self-proclaimed "purpose" to keep the public informed—have failed utterly to keep the people informed of what was going down in the courtroom. What these judges are deciding is national and international in scope and could be far-reaching in the course of American politics. Reagan was properly served by the U.S. Marshall, which means he doesn't have a leg to stand on? to get out of this case. The 9th Circuit already ruled that he did not enjoy an absolute immunity in its October 4, 1979 decision. Yet, the public doesn't know anything about the case. And while BSU worked prodigiously to fight off the assault on academic freedom, freedom of speech, freedom of association, and the free exchange of ideas, this Big Story has largely been unreported. The news media corruption of the political process made it possible for Hayakawa to obtain his Senate seat and Reagan to obtain his presidential seat, because of a lack of public debate and because these editors in political campaigns are frequently preoccupied with a lot of irrelevant, tendentious gossip.

We did send out a press release for the editors to cover the April 16, 1982 hearing before the 9th Circuit. The briefs pointed out that the issue surrounding Reagan's argument that he enjoyed an absolute immunity was a "yes/no" answer. In other words, there was nothing complicated about the coverage. Yes, Mr. Reagan and Mr. Hayakawa enjoy an absolute immunity under the 11th Amendment of the United States Constitution, or "no," they do not. It is the type of argument which is easily understood by the public—yet we have no news coverage. Why? The judges don't have carte blanche to interfere with our political freedom. The entire judicial proceeding has been conducted like a "kangaroo court," and the BSU could have gotten more justice out of the KKK than what it received from these supposedly liberal San Francisco judges. The political tension and perilous times of the 80's demand an invigorating dialogue. Yet the courts and the media seem largely incapable of conducting one because of their fear of the surfacing of a Watergate type scandal about Reagan.

The press package which was sent out to the various members of the media establishment was received with mixed responses. First, we informed the news media that Reagan and Hayakawa would be arguing to the court that they should not stand trial for civil rights violations under 42 U.S.C. 1983. We included in our press package a copy of the briefs and the arguments which were to be made by the adversary parties. We presented our opening briefs to the 9th Circuit appellate judges, plus copies of the briefs submitted by State Attorney General Deukmejian, who maintained that Reagan and Hayakawa enjoyed an "absolute immunity." The first response came from reporter Sherman Spencer of United Press International. He was stationed at the federal courthouse here at 450 Golden Gate Avenue and was supposed to be watching for any big story on the federal beat. Spencer seemed excited and indicated to me that UPI was most definitely going to cover the Big Story on April 16, 1982. He asked me for background information about the case and said that he would also be contacting Reagan and Hayakawa's lawyer. He thanked me for the "big scoop." But he never showed up. Jim Allen of the Associated Press indicated that he was not interested in the story, but City News Services' Joanne Sutro said she would be monitoring the proceedings. The *S.F. Chronicle's* editors had already slammed the phone in my ear once about this case, and they clearly indicated that it would be "a cold day in hell" before that paper reported anything to its readers about the case. I called the City Desk to the *S.F. Examiner* and spoke with editor Gale Cook. He indicated to me that he had received the press package, but that he was not sure the *Examiner* could "spare a reporter." "What the hell are you talking about?" I asked. "Are you telling me that the junior Senator from California and the President of the United States are pleading with the Circuit Court of Appeals so that they won't stand trial, and you don't have a spare reporter?" Needless to say, I was flabbergasted. Astonished! Shocked! The *S.F. Examiner* sits at 5th and Mission Streets in San Francisco, and the Circuit Court of Appeals is just two blocks up the street on 7th and Mission. "Are you telling me that you can't spare a reporter to go to a hearing scheduled for April 16, 1982, which is situated just two blocks from your office? Boy! That's incredible!"

The *S.F. Examiner* carried an editorial on September 24, 1983 entitled, "Is Justice Dead in Poland?" It urged the American public to consider the track for justice in this communist country and that Americans ought not to be surprised by the communist law enforcement efforts to cover up important cases. In reference to a political trial in Poland, the *Examiner* said: "It seems that if the matter ever goes to trial, the tribunal will be dealing with the political situation of an individual which..." The BSU thought it ironic for the *Examiner* to raise the question of whether justice is dead in Poland, when thousands and thousands of miles away from here, yet, we cannot get the *Examiner* to walk two blocks to determine if justice is dead here in America. We know that your editors have been "stonewalling." This is becoming apparent to everyone, for your "go easy" with the court attitude has not been fair to plaintiffs' side in the controversy. Before you shake a fist at the judicial system in Poland, don't you think it would be best if you cleaned up your own kitchen by checking on the records of the local judges who have been manipulating the electoral process with your blessings? It is not good to fool the American people!

ABC's 20/20

Also, during this period, I wrote to Gerardo Rivera of ABC's 20/20 and sent him a copy of my manuscript so that he could get the greatest comprehension of what we were trying to say with respect to the federal courts' manipulation of the electoral process and how the local news media have allowed Reagan and Hayakawa's political interests to override the public's right to know about events of public importance and interest to the voters. I received a letter from Deborah Wisner for investigative reporter Gerardo Rivera, which read:

Thank you for sending a copy of your manuscript, *Make It Backfire*, to Gerardo Rivera.

Unfortunately, it does not seem likely that 20/20 will conduct an investigation into this matter at this time. We will, however, keep your information in mind for possible future reference.

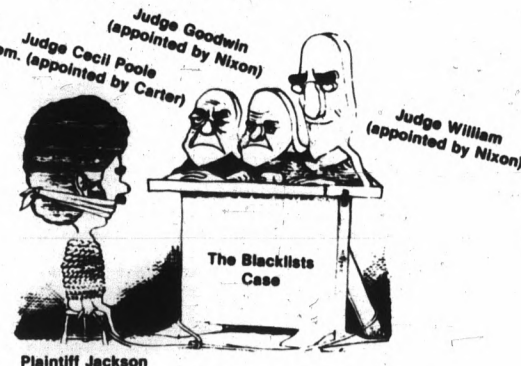
ABC News
Letter, June 5, 1981



Gerardo Rivera
Investigative Reporter

We received a similar response from City Desk Editor Kaz Patterson, California Bureau Chief, and Jay Matthews of the *Washington Post*. None of these journalists was willing to investigate the BSU's allegations that the federal judges have been and continue to use the prestige of their office to exploit the public's ignorance by sitting on a perfectly meritorious lawsuit for the purpose of de facto manipulating the electoral process.

PAID ADVERTISEMENT



9th Circuit Hearing (April 16, 1982)

On the morning of April 16, 1982, oral arguments before the 9th Circuit were scheduled to determine if defendants Reagan, Hayakawa and others enjoyed an absolute immunity. Many students, but only one faculty member—Dr. Jim Syfers, Co-Chairman, Philosophy Department—showed up to give moral support for our cause of academic freedom. The judges seemed somewhat surprised that so many people had turned out, but there must have been a sigh of relief to know that, with the exception of the campus press, there were no other journalists monitoring the activities of the court. And many journalists were angry because we suggested that the judges' conduct needed monitoring.

Reagan and Hayakawa's Lawyer

Attorney General Deukmejian was happy to see that the press was not around to evaluate his performance on this case because he was in a tight race with Mayor Bradley for the Governor's office and he knew that an evaluation of his performance on this case could impact the electoral process in such a way as to give California its first Negro governor. Public knowledge of *Jackson v. Hayakawa* could have stopped Deukmejian dead in his tracks, and he knew it. Representing Deukmejian at this April 16, 1982 hearing was Deputy Attorney General Matthew Boyle.

The Republican strategists were still working behind the scenes to make sure that the case was politically controlled. Again, as in the first appeal in 1979, the political composition of the court consisted of two Republicans and one Democrat, Judge Cecil Poole, who was indebted to Republican Gerald Ford for appointing him to the bench in 1976, along with Judge Schwarzer. Poole was subsequently promoted to the 9th Circuit by Jimmy Carter.

BSU LAWYERS

Representing the plaintiff BSU were Attorney Dr. Peter Pursley, Attorney Steve Schechman of the West Bay Legal Co-op, Attorney Ronald J. L. Jackson of Engram, Owens and Jackson of New York City, and rejoicing the case was Attorney Harriet Williams, who is in private practice here in San Francisco. At no time did any member of the press feel the need to contact any of our lawyers to get some insight into the case. Why?

Actually, there was nothing much to be decided here because the claims of the 308 disciplines had already been decided in the 9th Circuit's October 4, 1979 decision. That is, the 308 students' rights of due process had been violated under the principles of res judicata and that a limited trial under the Supreme Court ruling in *Wood v. Strickland*, supra, was needed to determine if Trustee Reagan, Trustee Dumke, and President Hayakawa had violated those students' rights in "bad faith." If so, then the jury could award these students damages (action in law) and the students would be entitled to their equitable claim (expunging of the disciplinary record).

9th CIRCUIT MACHIAVELLIAN CONSPIRACY

The Italian diplomat whose name political pundits frequently associate with immorality and corruption in politics is Niccolò Machiavelli. The diplomatic experiences in Machiavelli's life gave him a first-hand understanding of the "outward fair appearance" and the inward corruption of political institutions. For most Americans it is difficult to assess the significance of Machiavelli's work on this case because of the complexity of law and the diverse treachery, craftiness and political immorality of the courts. However, most significantly, we are concerned with his work, *The Prince*, which can be taken as most representative of the political game plan which is now being implemented by Judge Poole, Judge Goodwin, and Judge Williams. Machiavelli maintained that governments had a need for ruthless action, e.g., arbitrarily applying the rules of law so that American citizens are denied basic due process, is indeed a ruthless act. But Machiavelli also insisted that the political circumstances sometimes must dictate to the courts to cover up but to be careful that it is not seen as a cover-up. In *The Prince*, Machiavelli advises leaders to be:

...cunning like a fox, never honest or compassionate, or faithful, humane, or sincere, but always to seem so, for the way to convince people that their leader is a good person who means them well. To become a successful leader, you must be a hypocrite and dissembler, for that is the only way to control the minds of the people, who are simple-minded souls unable to see beyond their noses.

This is exactly the way the editors and these judges view you, Mr. and Mrs. America—as simple-minded fools who cannot see beyond your own personal interests. Are you that way? Actors are the only honest hypocrites, but these judges will give them a run for their money. Indeed, these 9th Circuit judges have been "cunning like a fox" and clearly dishonest with the American people, and anyone who studies governments knows that the contrivances and smoke-filled room decisions are rarely viewed by the public. The judges know that it would be safe to assume that the public is simple-minded and has been programmed to respect titles and status. The public is probably not smart enough to unravel the "containment strategy" and the court has enjoyed taking advantage of their ignorance.

Now, let's see how the Machiavellian conspiracy was applied in the 1982 decisions. Remember that in all great tragedies the hero or heroine is given a "choice," frequently between a "good" or a "bad." The court's decisions, or choices, as the term is used here, are made in the process by which one of these alternatives for each moment's behavior is selected to be carried out. The series of such decisions which determine the characters' behavior over a specific period of time may be called strategy. And if the strategy is designed to obtain unlawful ends, these occasions then become evidence of a conspiracy to obstruct justice by denying plaintiffs' basic due process, and it malfeasance. For those political pundits who like to say that governments do not consist of the contrivances and cloak-and-dagger conspiracies as Machiavelli suggest, the prophet Jesus also had similar feelings about the scribes and Pharisees. "Even so they also outwardly appear righteous unto men, but within ye are full of hypocrisy and iniquity" (Luke 23:28).

APRIL 16, 1982, 9th CIRCUIT HEARING OUTWARD APPEARANCE

Outwardly, the 9th Circuit judges played their roles well. U.S. District Judge Schwarzer had listened to Attorney General Deukmejian and threw the case out of court. His Actions were contemptuous of the 9th Circuit's 1979 decision. The judges noticed that they were playing to a packed house.

Judge Schwarzer had "thumbed his nose" at them and made clear that he had no intention of taking Reagan or Hayakawa to trial, regardless of what the 9th Circuit ordered him to do. As far as Judge Schwarzer was concerned, the Reagan mandate of 1980 had given him enough political clout to tell his colleagues and superiors to "get fucked." Would the 9th Circuit back down to Schwarzer, or would it stick by its original decision? The 9th Circuit decided it would have to graciously back down, for political reasons. Indeed, the decision of the 9th Circuit will have a profound effect on Reagan's political career. And while it is true that the court reared the immunity issue and decided it in a different manner from a previous court, political expediency is not a legal principle which would enable the 1982 9th Circuit panelists—Poole, Goodwin and Williams—to overrule their colleagues in the 1979 decisions; prior decisions are an extremely persuasive argument in any subsequent litigation on the same issue.

Ronald Reagan and Hayakawa, as public education officials, are not protected by an absolute immunity standard under the 11th Amendment, as George Deukmejian argued, but are subject to a jury trial to determine if the 308 students' right of due process was violated in "bad faith" pursuant to the qualified immunity standards of *Wood v. Strickland*, 420 U.S. 308 (1075) in civil rights cases. This was the position of the 9th Circuit in *Jackson v. Hayakawa*, 605 F. 2d 1121 (1979) Note 11.

DOCTRINE OF STARE DECISIS

Attorney Ron Jackson explains the doctrine of precedent or "stare decisis," as taught him at Georgetown University. "The past must stand for the future. The 1982 must stand for the decision of the 1979 9th Cir. panelists because that 1979 decision was based on the law of the land, i.e., *Wood v. Strickland* supra. The doctrine of stare decisis means that once the superior, the Supreme Court, lays down the principle of law, it is binding upon all other inferior courts in this land—no exception for the 9th Circuit! It's like your boss ordering you to do something a certain way."

He stops a moment, and then starts again: "Without the doctrine of stare decisis, our legal system would amount to no more than a 'senile-memorial-memorial' game. The Supreme Court makes the decision for the 9th Circuit judges since they must follow the high court's lead. Stare decisis gives our system of jurisprudence and the application of laws certainty, stability, predictability, conformity, foreseeability, and even-handed justice. Without such a doctrine there would be total chaos in our judicial system since each judge would be required to interpret the laws according to his own peculiar predilections and aversions, as they have done in this case. The 9th Circuit must follow the Supreme Court precedent by operation of the stare decisis doctrine unless the high court ruling is clearly absurd or unjust."

"Judge Schwarzer wrote in his decision that a jury trial would be unfair to defendant Reagan, but this does not satisfy the legal criteria for overturning the doctrine of stare decisis. And consequently, no compelling legal argument has been made by Attorney General Deukmejian which would justify the 1982 9th Circuit panelists reversing the 1979 decision of their colleagues."

Now Attorney General Deukmejian is attempting to persuade the court to moot out a jury trial by arbitrarily evoking the "absolute immunity doctrine" in order to prevent Reagan and Hayakawa from standing trial. Whether Reagan enjoys a qualified or absolute immunity is a "yes/no" question, but with the media blackout of the debate, and Judge Schwarzer keeping the case locked up in his chambers as though it was a "top secret" project, the public hasn't the slightest idea of what's going down in the court. Consequently, because of that public ignorance, Deukmejian tells the 9th Circuit that it could reverse itself on the immunity issue and that matter would go unnoticed by the "simple-minded" public.

How can the 9th Circuit judges get out of this decision? First, with the news media "blackout," the atmosphere for cover up has been set. If democratic debate is to serve its true purpose, it must be advocacy at its best. But with the press ignoring the case, the court's decision would not fool discriminating observers but may win the trust of discerning members of the public. Every pro-political team goes into each game with a game plan, and this holds true to the outward appearance of the 9th Circuit judges. These judges recognized that the BSU has two actions before it, i.e., an "action in law" which gives the BSU the right to a jury trial and damages, and also an "action in equity" which gives the 308 students the right to have their disciplinary record expunged without a trial. The 9th Circuit in 1982 will create a smoke screen of clamor by reversing Judge Schwarzer on the innocuous "action in equity" while evoking the absolute immunity in order to moot out plaintiffs' "action in law," or should I say "jury trial"? This tactic is also called the "red herring" device in reference to the early hunting custom of distracting the hounds by drawing a red herring across the trail. This is what Machiavelli meant when he wrote that the government officials (judges) must "give the appearance of fairness." In other words, people will automatically jump to the conclusion that the court is fair because Judge Schwarzer has been reversed again, but the issue now is by how much has he reversed? By then, the public's "simple-minded" souls are unable to see beyond their noses. The prophet Jesus spoke of government deception when he said that "outwardly" they would give an appearance of fairness, but inwardly they are treacherous. Now that we know what Goodwin, Poole and Williams are up to, let's look at the deception in the hearing itself.

The first person to speak out was Judge Cecil Poole, former leader of the NAACP and the only Negro judge to sit on the case. Judge Poole is an integrationist. His social base is the black middle class who aspire only to give color to the white power structure. Its sole complaint is that minorities are excluded from the centers of power within the ruling class because of their color. With the increase in black judges, lawyers, and social workers, many Negroes have been employed for "window dressing" purposes, and this is why we, as Black students, have an inherent distrust of them. On the surface we would like to think that Poole was there to make sure we would get a "fair deal." Indeed, as we will see in a moment, this is the appearance that Poole gave us. But in reality his function was to mediate the

struggle of the BSU and to keep the 9th Circuit informed as to the nature of our rebellion. "What about that blackist?" Judge Poole angrily asked the Deputy Attorney General, Matthew Boyle. "I don't understand how my colleagues (referring to Task, Wyatt and Anderson's Oct. 4, 1979 decision) reached a sound legal conclusion that these blacklisted students ought not to have redress through the court." Judge Poole not only reached back and attacked the 9th Circuit for the decision of 1979 which threw out the 613 blacklists' claims, but he then pounced upon U.S. District Judge Schwarzer for his contemptuous conduct! He said that Judge Schwarzer was a very competent and meticulous judge who weighs everything before he makes a single move.

Here Judge Poole was concerned with the sloppy, panicky decision of Judge Schwarzer, which means sloppy judicial scholarship. Clear, straightforward presentation is the sine qua non of a successful legal argument.

"Judge Schwarzer is a very competent and capable judge, but there's much to be desired in his action on this case," Poole said. Good performance is the foundation of good public government. Poole accused Schwarzer and Attorney General Deukmejian of attempting to let the "state get away clean!" He accused Judge Schwarzer of "acting unwisely" and insisted that the case had better be tried! All the 9th Circuit judges joined in and made it clear to Deukmejian that Judge Schwarzer was most definitely going to be reversed a second time. We did not doubt that there was going to be a second reversal, but by how much would he be reversed? Would the 9th Circuit attempt to deceive us by giving us the impression that Schwarzer was going to be reversed, i.e., were they going to reverse him completely by returning the "action in law" for damages and "action in equity" to expunge the disciplines? Remember, an "action in law" means a public trial by a jury. *Wilson Gate* reporter Jennifer Werner, in the April 20, 1983 article entitled, "Strike Suit Still Alive—Will There Be a Trial?" wrote in part:

Appellate judges' comments Friday indicated they were angry at a federal court judge for "stonewalling" on an earlier appellate ruling and refusing to grant students arrested in 1968-69 S.F. State strike a trial. In *Jackson v. Hayakawa*, a class action suit has been winding its way through the courts for ten years. Students are asking their school records be cleared of any mention made at the Black Students Union rally at S.F. State on January 23, 1969. They are also seeking damages on the grounds that subsequent S.F. State disciplinary hearings violated their right of due process.

Quoting from Judge Cecil Poole, she continued:

"The plaintiffs have made what seems to be a non-frivolous claim that they don't want to go through life with the stigma of this notation on their records. I don't see how that claim should be dismissed out of hand. I don't think a District Court judge has the authority to do that. That's all that's left for me in this case. That issue better be tried."

"...have the plaintiffs applied to the registrar's office to have their record expunged?" Judge Goodwin asked. I wonder why it's necessary to have all the sound and fury over a trial."

Judge Goodwin knew what the sound and fury was over: a trial where U.S. Senator Hayakawa and Trustee Reagan were supposed to be standing trial. It was he who, in open court, accused Judge Schwarzer of "stonewalling it" and then wrote a decision saying that the Blacklist Case was counter-productive.

DELIBERATIONS Partial Reversal: Action in Equity 682 F2d 1344 (1982)

The U.S. Justice Department, on behalf of President Reagan, was carefully monitoring the court's activities. It knew that the plaintiffs' "action in law" meant that Reagan had to stand trial along with Hayakawa since they were both properly served by the U.S. Marshall. Neither Reagan nor Hayakawa, therefore, had a legal leg to stand on before the U.S. Justice Department has to do work behind the scenes with all the judges, letting them know that their names are high on the agenda for the Supreme Court nominations as Reagan is expected to be re-elected, and the judges will buckle under to political pressure easily. Our liberties depend upon the fairness of courts in protecting them from the tyrannical defendant Reagan and the overzealous puppet Hayakawa and those state officials acting in concert with them. The maintenance of domestic peace within the state depends upon the even-handed administration of the law.

Separation of the judiciary from the control of the legislative and executive powers is considered essential to the preservation of our liberties, but so long as President Reagan has four to five U.S. Supreme Court positions to hand out, these judges are going to ingratiate themselves with the President and tuck the separation of powers doctrine. It is a myth to presume that the judges are nonpartisan and aloof from political controversy. Yet the lower courts attract less public attention than do the other branches. Every judge wishes to be a Supreme Court judge, and with four or five openings about to take place, the Reagan Administration will definitely look to California to fill some of these anticipated vacancies. These 9th Circuit judges know that. The authority of President Reagan to appoint judges is an important indirect power over these politically ambitious 9th Circuit judges. The President can therefore systematically try to influence decisions by appointing men whose decisions he endorses and by challenging those whose decisions he dislikes. The same Republican play of power that makes these judges back down from ordering Reagan to stand trial also makes high-level judicial recommendations to the President. It was therefore no surprise to us when "inwardly" the 9th Circuit arbitrarily removed to Reagan's name from the lawsuit. Then they overruled the U.S. Supreme Court and their own Oct. 4, 1979 prior decision by arbitrarily mooting out our "action in law" so that Reagan and Hayakawa wouldn't face the jury. The Sept. 16, 1982 edition of *Phoenix* reports: "Court Kills Blacklists Suit." Indeed, you'll recall in our first article that we quoted a June 4, 1978 editorial from former *S.F. Examiner* publisher Reg Murphy, who had urged American citizens not to fully put their trust in judges or prosecutors because when under political pressure the judges are weak-kneed and it doesn't take much for them to buckle. Publisher Reg Murphy wrote:

The real losers in such rulings are the taxpayers and voters. It is they who will be deprived of the information they need to make the democratic process work. And it is they who will not ever know what investigations were stifled.

INWARDLY 9th Circuit Moves Toward Self-Preservation

Outwardly, Judge Poole pretended that he was offended by Schwarzer's contemptuous conduct. He sounded like a black militant, but inwardly, behind closed doors, he deceived us and concurred with a decision which concluded that the Blacklist Case was counterproductive. Why did the 9th Circuit judges—Poole, Goodwin and Williams— lambast Judge Schwarzer for his performance on this case, but inwardly reach a decision that the "action in law" had to be dismissed via the evocation of the "absolute immunity doctrine" so that Reagan and Hayakawa wouldn't stand trial? Well, the explanation is simple. If there was a public trial, the first thing the public would ask is what happened to the 425 mass arrest claims, what happened to the 613 mass blacklists' claims, etc? Goodwin, Poole and Williams recognized that the 9th Circuit judges, Task, Anderson and Wyatt, did not have sound legal grounds for watering down the case in 1979 as they had done. This means that the case would have mushroomed at the 9th Circuit level. Whenever there is a danger of scandal they will try to protect themselves—stonewall! As they became increasingly aware of the danger, the judges developed an infinite variety of protective mechanisms to keep the danger away and turn it away via absolute immunity. This 9th Circuit cover up is like a slowly-growing fire smoldering in the cellar which causes almost no smoke or flame as long as it is kept under cover. But unless the fire is sternly checked by evoking the absolute immunity doctrine, somewhere, someone is going to open the door and let in the air. Then the flames rise up and consume Reagan's political career along with those judges who aided and abetted in this obstruction of justice. Indeed, *Jackson v. Hayakawa* is the nation's hottest potato! If you don't believe me... ask Judge Schwarzer! Before we can ask Congress to remedy our situation, we must understand the historical significance involved in the present debate. You must understand that judges are politically controlled by the appointment process, by the politicians at the local level who recommend to the President who will or will not be judges, and who will or will not be promoted. Thus, a federal judge is responsive to the local political establishment and the president. We must examine the problems of the courts' de facto manipulation of the 1984 election in terms of the sine qua non. Without the court evoking the "absolute immunity doctrine," Reagan's re-election would not be; but for the arbitrary application of this doctrine, another Republican candidate would be running against Mondale. Cautious is something regarded as a necessary antecedent; something without which the Reagan '84 campaign would not be occurring. But we must not restrict our observation to the second 9th Circuit appeal; we must examine thoroughly the concatenation of circumstances which resulted in the arbitrary application of the "absolute immunity doctrine." John Stuart Mill, in his work on logic (9th Eng. Ed. 378-383) says, in substance, that the cause of an event is the sum of all the antecedents and that we have no right to single out one antecedent and call that cause. What we need is a full-scale Congressional investigation to get to the bottom of this cover-up. More and more of the public is instinctively horrified at the way Schwarzer, Deukmejian and the 9th Circuit judges avoided all constitutional procedures and politically maneuvered to prevent blacklisted Americans from having their day in court so that defendants Reagan and Hayakawa would be pardoned from liability. The lies and half-truths and the phony decisions of the court have made many Americans dubious of the integrity of that institution. Yet, the political corruption of judges and their Machiavellian deceptions were complained of by President Wilson:

Politics in America is in a case which sadly requires attention. The system set up by our law and our usage doesn't work—or at least it can't be depended on; it is made to work only by most unreasonable expenditures of labor and pains. The government, which was designed for the people, has got into the hands of the bosses and their employers, the special interest. An invisible empire has been set up above the form of democracy.

Woodrow Wilson's essay, "What is Progress?"

Judge Poole questioned the fact whether in 1979 the 9th Cir. was giving any real legal thought to its decisions, and his colleagues' 1979 arbitrary rulings had set a really bad example for the prestige of the court. Nothing can destroy a government more quickly than its failure to observe its own law, or worse, its disregard of its own constitution. As Justice Brandeis said in *Olmstead v. U.S.* 627 U.S. 438:

Our government is the potent, omnipresent teacher. For good or for ill, it teaches the whole people by example... If the Government becomes a law-breaker, it breeds contempt for law; it invites every man to become unto himself; it invites anarchy.

Indeed, the Oct. 4, 1979 decision watered down the Blacklist case to such a degree as to deny the 425 mass arrestees due process; the 613 mass blacklists were denied due process also, etc. So the 9th Circuit judges (Anderson, Task and Wyatt) had, in their 1979 decision, covered up too much, and upon reviewing their decision in 1982 the 9th Circuit judges (Poole, Goodwin and Williams) were alarmed at how much had been covered up in the first appeal. So the judges in 1982 were attempting to develop a rationale which would enable the 9th Circuit at large to save face. So Poole, Goodwin and Williams immediately swung into action to evoke the "absolute immunity doctrine" so that their colleagues' blunders would not be publicly discovered. They covered up just the way George Deukmejian told Judge Schwarzer they would if he threw the case out of court for a second time.

Now here we see that the 9th Circuit Court of 1982 is covering up for its colleagues' decision of 1972—a question of self-preservation! So the impartiality standard of due process has literally been thrown out the window. The 9th Circuit Court of Appeals really isn't in any position to render a "fair and impartial decision" as required by due process. They have acted criminally on this case—of them—and consequently are in no position to adjudicate their own criminal misconduct. Such was essentially the point argued by Madison in *The Federalists*, No. 10:

No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time....

Since the public accepts the court's decision at face value, and since the editors believe that the BSU continued next page

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has exaggerated our claims, the evaluation of the 9th Circuit performance may itself be a puzzling task. The evocation of the absolute immunity doctrine is indeed taking control out of the hands of the jurors. The democratic control, and the very essence of our system, lies in the fact that elected leaders such as Reagan, Hayakawa, Deukmejian and others would have to stand before the public periodically for reelection. Yet, the courts are de facto manipulating the electoral process by arbitrarily evoking the "absolute immunity doctrine" so that Reagan, Hayakawa and Deukmejian will not be held publicly accountable to the voters for their performance on this case. Give me two reasons why the 9th Circuit arbitrarily evoked the absolute immunity doctrine in 1982. Answer: (1) they did not want the public to scrutinize the October 4, 1979 decision of their colleagues which allowed the cover up to mushroom in 9th Circuit courts; (2) that if the President of the junior Senator were ordered to stand trial, the public would want to go back to the October 4, 1979 decision to find out what happened to the other four claims which did not survive the five-claim suit. So much of the 9th Circuit's decisions are not just about covering up Reagan and Hayakawa's criminal misconduct, but their own as well. Isn't that right, Poole, Goodwin and Williams?

ADVOCACY

We want you to become our advocate, and to be an effective advocate you must be kept informed. It is now apparent to all of you who have been following this case for the past 12 years that there can be no excuse for the "passive journalism" which has paved the way for the judges to cover up. Indeed, while our editors felt me to "hush up" and stem phones in my ears and talk about judicial corruption in Poland, they felt to keep up their own kitchen here at home. Both judges and editors here in San Francisco have worked hard to keep the Big Story. Even Dr. Hayakawa admits that the news media evoked his side of the story. We are up against a "silent press" that has gone along with so much of the cover up that their own integrity is seriously being questioned. We cannot deal with this self-imposed media censorship of the case, but we must inform ourselves. So that you won't be left in the dark, Mr. and Mrs. America, we suggested in our first articles that you read "Public Officials and Public Figures Immunities and Liabilities," by Dr. Wallace Tucker, in his book, *Adjudication of Social Issues* (West Publishing Co., Chapter 8). It will clear up for you any questions you might have regarding the application of the qualified immunity doctrine.

The BSU further believed the press ought to be free to make sure that the court was going to uphold the law of the land rather than treating this case as though it were some type of taboo subject. When Chief Justice Burger sat as a circuit judge, he stated:

A court which is final and unreviewable needs more careful scrutiny than any other. Unreviewable power is the most likely to self-indulge itself and the least likely to engage in dispassionate self-analysis. In a country like ours, no public institution or the people who operate it can be above public debate.

We must never forget that democracy implies a dialogue and that dialogue means a discussion between the two adversary parties. Thus, when the media serve as Reagan's and Hayakawa's advocate, their actions—like the courts—conflict with democracy. Democracies require the interaction of several bodies or political forces to counterbalance one another. Government arbitrary action which resulted in 613 blacklisted rights thrown out the window without even having their day in court could have been curtailed by the press, or at least brought to the public's attention. To cite Montesquieu's well-known formula, "tyranny can be avoided only if power checks power." What we have here was the news media's power of cover up for the judicial power. Dialogue and discussion are paramount to democracy, and we will not allow the courts or the news media to sweep this matter under the rug by diminishing dialogue and discussion on just what Governor Reagan and President Hayakawa did to students' constitutionally protected rights on this campus.

Attorney General Deukmejian's deputy argued a lot of lies and half-truths and advanced a lot of phony defenses about "the thingamajig" and the "watchamacallit." The Attorney General's ill-preparedness did not sit well with the 9th Circuit, but the court recognized there was, however, all kinds of politics involved in the lower court's rulings. As Mr. Justice Frankfurter once explained: "Since the litigation that comes before the Court so largely entangled in public issues, the general outlook and juristic philosophy of the Justices inevitably reflect the views and in doubtless cases we determine them." Well, Mr. and Mrs. America, this is not a doubtful case. The law is 100 percent on the BSU's side: Reagan and Hayakawa do not enjoy an absolute immunity. However, the decision of the court is clearly turning on politics. Justice Frankfurter continues: "This is saying something very different from the too prevalent notion that division on the court runs along party lines. Such divisions reflect not former political attachments but conviction of the judges about government, their conception of our Constitution and, above all, their philosophy of the judicial function in general and in the particular context of our federal system." And as Mr. Justice Jackson once observed, "Any decision that declares the law under which a people must live or which affects the power of their institutions is in a very real sense political."

In the final analysis, the 9th Circuit has substituted political judgment for the rules of law because a public trial would diminish their power. If the public understood how much covering up these judges have done for Reagan and Hayakawa, they would not trust these judges' judgment to rule on a traffic ticket. So they will hand down no decision which will expose their own corruption or diminish the credibility of the court itself. You have to understand the 9th Circuit's political predicament in order to understand its irresponsible ruling. The judges have arbitrarily evoked "absolute immunity" because their judgments cannot stand the light of day. It's going to take a full-scale Congressional investigation to clean up this mess! These corrupt judges are as much—more so, some political pundits argue—in the wrong as defendants Reagan and Hayakawa. They were so preoccupied with protecting Reagan and Hayakawa that they got themselves into a big cover up mess. And in doing so, they abandoned John Adams' stirring phrase that we are "a government of laws and not of men." The 9th Circuit hereby stands accused of promulgating arbitrary, abusive and irresponsible political decisions which have denied plaintiffs' basic due process protection.

It is shameful that the courts would hand down an "absolute immunity" decision that mocks human rights. There is but one blasphemy, and that is injustice. We remember Pope's "Essay on Man" where I said that Judges and senators have been bought for gold because few men have the virtue to withstand the highest bidder—in this instance, a Supreme Court position.

Plaintiffs received about as much "justice" before the 9th Circuit as Jesus received in the court of Pontius Pilate. Plaintiffs felt just like Jesus at the Battle of Jericho. We want to see the "wall come tumbling down" on the 9th Circuit court. Our Founding Fathers knew about the double standards in law because kings often punished people without a trial, just as the 9th Circuit arbitrarily evoked the absolute immunity doctrine to moot out a public trial. Our Founding Fathers knew that the rich nobles and high-ranking government officials were treated in special courts, and so they embarked on imposing a constitution on this nation to assure that the present and the future would stand equal before the law. But whereas it is true that we do not have special courts, i.e., one for the rich and powerful and another for the little guy, it is false, however, that we get special interpretations of the law which bring about the same 18th Century special privileged result. Remember when Watergate Judge Sirica said that there was a standard of justice for people in "politics and affluence" and another for the "little guy"? Doesn't the arbitrary evoking of the "absolute immunity doctrine" answer that description? Absolute immunity was an absolute smokescreen, and Watergate Judge Sirica was not talking about "once upon a time" when the kings and queens ruled the world; he was talking about the American judicial system of today.

KING REAGAN

We know that the U.S. presidency is a modern-day kingship. Once elected, the President actually is a king; he cannot be removed except for criminal action and by the impeachment process. And make no mistake about it, Reagan can be removed from office. As a result of this case, the judges evoked the "absolute immunity doctrine" so that the public would not get a close-up look of Reagan's performance as Governor, which was his stepping-stone to the presidency. When the judges arbitrarily evoked the absolute immunity doctrine, they are indeed refusing to recognize the supremacy of the Constitution and the American ideal of fair play. When the judiciary evokes the absolute immunity doctrine to prevent adverse publicity against incumbent officers and prospective candidates, the Court is indeed de facto "placating the voters' choice." To say we do not want adverse publicity about Reagan because he is running for re-election is to say that we want Mondale and the Democratic Party defeated. The judges said this by their arbitrary evoking of the absolute immunity doctrine and arbitrarily removing Reagan's name from the complaint even though Mr. Reagan was properly served by the U.S. Marshal and did have a legal leg to stand on. Yet, these major decisions have gone completely unnoticed by the news media. Why? Why? Why? We must seek out an answer to this, but in order to be an effective advocate we ought to know something about the development of the qualified immunity standards.

Historical Development of Absolute Immunity Doctrine

The roots of our system of jurisprudence are embedded in the English past. Many of the settled doctrines of English common law were transmitted to the colonies. Before we can say that absolute immunity is an absolute smokescreen, let us first take a glimpse at our historical beginning in merry old England as it applies to our system of jurisprudence. The term "absolute immunity" in England was designed to prevent the monarch from being sued. It operates on the assumption that the king can do no wrong. In doing so, the people recognized that this doctrine forms the basis of our civil law (as *civile*) in providing an "immunity" from the king. When William the Conqueror established the British crown in 1066, he found a well-organized judicial system. Generally, he let the legal administrators function on their own. William, however, intervened by dispatching his officers to hear special cases, and sometimes he sent a writ to the local barons. But he quickly discovered that the English monarch enjoyed an "absolute immunity" which placed the king above the law. The nobles did not like the absolute immunity doctrine, and in 1215 they forced King John to sign the Magna Carta. The king promised the rich the right to be heard in the Court of Common Pleas and the Exchequer. The Chancery issued decisions from the Exchequer's department, and these decisions were referred to in early opinions as "equitable rights," i.e., a legal right that should be enforced because of fairness. Remember, we say that we had an "action in equity" because the 308 disciplines were seeking to have the courts expunge their disciplinary records. That is, if the students' rights of due process had been violated, fairness and justice require that those records be expunged so that no injury occurs to the student in the future. At the hearing of April 16, 1982, Judge Goodwin wanted to know why we had not contacted the registrar to do it rather than seeking judicial relief in order to obtain that remedy. In other words, the judges were so scared of the case they didn't want to issue any order which might give any credence whatsoever to plaintiffs' allegations.

But what about plaintiffs' "action in law"? Whether Reagan and Hayakawa enjoy an absolute immunity, as King John II did, has a simple "yes/no" answer. If Ronald Reagan had been served by the U.S. Marshal in his capacity as President of the United States, he would have been able to evict the absolute immunity doctrine to get off the hook. In *Cohen v. Virginia*, also by way of dictum, Chief Justice Marshall, the fourth U.S. Supreme Court justice, stated that as the United States "is not suable to common rights, the part who institutes such suit must bring his case within the authority of some act of Congress." The doctrine of absolute immunity was recently repeated in *Nixon v. Fitzgerald*. A president of the United States enjoys absolute immunity from civil damages suits for all official actions taken while in office; this was the recent holding of the Nixon Supreme Court. The concept of "the king can do no wrong" was not extended to the White House aides, however. In *Hanover v. Fitzgerald*, the Court extended only a "qualified immunity," or good-faith immunity to such aides, i.e., whether the officials acted or should have acted were legal. It is important that you understand the difference between the "absolute immunity" and the "qualified immunity standards." If the BSU was suing President Ronald Reagan in an "action in law," i.e., for damages, all Reagan would have to do is sue the Nixon president in re *Nixon v. Fitzgerald*, because the 308 disciplines were to be off the hook. Why? Because the lower courts must comply with the Supreme Court precedents, and consequently the President of the United States has been placed above the law—a modern-day kingship!

GOVERNOR REAGAN QUALIFIED IMMUNITY STANDARDS

When we use the term, "the king can do no wrong," we are really saying that "the state can do no wrong." What's it gonna be, America? Are we a government and people under law or are we going to just sit back and allow people to abuse our rights and then evince an "absolute immunity" to conceal their abuses? We expect the Court to recognize the limitations of power our Constitution is supposed to impose on the chief executive in a democratic society. We expect the judges to say, "Conduct yourself that you will not injure others." Sic utere ut alienum non laedas. The Nixon "absolute immunity" decision is really saying to many American citizens that we have no redress against presidential wrongdoing in a civil suit; this is 18th century political philosophy which has no business in the American system of jurisprudence today which adheres to the principle of "government of law and not of men." To say that the President can misbehave against an American citizen in any abusive manner that he desires and cannot be sued is to further introduce the concept of anarchy into our judicial system. "...law is restraint and absence of restraint is anarchy," said Benjamin Cardozo. And although the Nixon precedent cannot be used by Ronald Reagan, since he is being sued as a state official and not as the President, Attorney General Deukmejian has talked the 9th Circuit into reversing itself and overturning the U.S. Supreme Court cases in order to evict the 11th Amendment Absolute Immunity doctrine. All of this legal juggling of the laws of the land gives these law enforcement agencies played in the re '84 election so that Reagan has four more years of racism and injustice. It is time for us to put an end to his rule. And we must first reject those 18th century doctrines that the state can do no wrong. When Richard Nixon promulgated an executive fiat against American citizens, he had done wrong in his capacity as a state official. When Reagan gave Hayakawa the "state of emergency plan" and then instructed him to "isolate the

desidents", and Hayakawa followed order by issuing blacklists, these state officials did wrong and we cannot allow the courts to evict the absolute immunity doctrine to conceal this mass blacklisting, mass arrest, mass discipline, etc. simply because these defendants were state officials. If the American people understood the student grievance in the first place, Reagan's efforts to destroy the U.S. Civil Rights Commission would be of no surprise to anyone. The state can do wrong! And the American public had best quickly realize how the judges have used 18th century doctrines to apply to us in the 20th century.

And when the Nixon Supreme Court evoked the absolute immunity doctrine to protect President Nixon from liability, the dissenting justices made it clear that the court was abandoning the notion that "we are a government and people under law." It was Thomas Jefferson who said "special privileges for none." And Mr. Justice William C. Douglas said: "We must realize that today's Establishment is the new George III. Whether it will continue to adhere to his tactics, we do not know; if it does, the redress, honored in tradition, is also revolution." And Malcolm X defined revolution as not compromising with but "overturning" the system and consequently the status quo.

Indeed, the U.S. Supreme Court's evocation of the absolute immunity doctrine shows support for the two ideas of government which were held by most judges under the 18th century monarchs. They believed in autocracy and the divine rights of kings. Just as the Supreme Court believes in the divine right of the Imperial Presidency of Richard Nixon. This doctrine is best summed up in the famous remark of Louis XIV: "L'état, c'est moi" or "I am the state!" James I of England commented: "Kings...have power...of life and death over their subjects...accountable to none but God only."

Fortunately for plaintiff BSU, we did not sue Reagan in his capacity as President of the United States but as Governor and Trustee of California, and in these capacities he is subject to "qualified immunity" standards, which means that as a matter of law he must go before a San Francisco jury to determine whether he violated the 308 students' rights of due process in "bad faith." If we prevail before the jury, Reagan's—and Hayakawa's—personal assets will be going to us! We have an opportunity at this trial to drive both Mr. Reagan and Hayakawa into bankruptcy.

DEDUCTIVE REASONING EXPOSES 9TH CIRCUIT COVER-UP!

We can expose the corruption of Attorney General Deukmejian and the 9th Circuit judges Poole, Goodwin and Williams through deductive reasoning by which one moves from the Supreme Court truth to a particular conclusion. The classic way of analyzing this process is the syllogism: an organized series of three statements, the last of which is the conclusion drawn from the preceding two, which are called the major and minor premises.

Defendants state public education officials are not protected by an absolute immunity standard under the 11th Amendment, but are subject to the qualified immunity standards of *Wood v. Strickland*. Here we have 308 students' rights of due process violated by the doctrine of res judicata. The only issues which were remaining were the damages of our "action in law" and the expungement of the disciplinary records or our action in equity. The Supreme Court in *Wood* stated:

...in the specific context of school discipline we hold that a school board member/Reagan, Hayakawa sued as school board members is not immune from liability for damages under Sec. 1983 if high court articulates the bad faith standard he knew or reasonably should have known that the action he took within his sphere would violate the constitutional rights of the students affected, or if he took the action with the malicious intent to cause a deprivation of constitutional rights or other injury to the student. (420 U.S. 322)

In other words, the jury would have to make a determination that defendants Reagan, Hayakawa and others acted in "bad faith" pursuant to the above-mentioned standards. If the jury found that the 308 students' rights of due process were violated in "bad faith," then the jury could award damages. Already, the 9th Circuit concluded, in 1979, that Trustee Reagan was subject to the "qualified immunity" standard in *Wood*, supra. Read the case, *Jackson v. Hayakawa*, 605 F.2d 1121, 1129, note 11.

Before Reagan Became President, 1979 Decision

Before Reagan became President, 9th Circuit judges Trask, Anderson and Wyatt deductively reasoned as follows:

Major Premise: The U.S. Supreme Court, in *Wood v. Strickland*, supra, held school board members do not enjoy an absolute immunity.

Minor Premise: Reagan was served by the U.S. Marshal in the capacity of a Trustee, which is a school board member.

Conclusion: Therefore, pursuant to the U.S. Supreme Court decision in *Wood*, supra, Reagan does not enjoy an absolute immunity.

The doctrine of "stare decisis," or the doctrine of precedent, says the U.S. Supreme Court decisions are "binding" on the 9th Circuit. This means that the 9th Circuit must decide the issue of whether Reagan as a state educational official enjoys an absolute immunity just as the Supreme Court did. So we see that the Oct. 4, 1979 9th Circuit provides us with a perfect syllogism. First, the general truth raised in the major premise is a recent Supreme Court truth, i.e., state educational officials do not enjoy an absolute immunity. Second, the minor premise reiterates the major premise, i.e., Reagan is sued as a "state educational official." Third, and so we have a perfect conclusion because the major and minor premises are compatible.

After Reagan Became President (1982 Decision)

Now that Reagan has become President, and because their colleagues covered up so much in the Oct. 4, 1979 decision, the 9th Circuit panels Poole, Goodwin and Williams want to diplomatically back down from the case going to trial under the "bad faith" standards articulated in *Wood*, supra. The 9th Cir. will take Deukmejian's advice and arbitrarily evict the 11th Amendment's absolute immunity doctrine, i.e., they will moot out our action of law for money damages, which requires a jury trial. In order to reach that absolute immunity doctrine, here is how judges Poole, Goodwin and Williams reasoned in 1982:

Major Premise: 11th Amendment says state officials enjoy an absolute immunity.

Minor Premise: Reagan is sued as a state educational official.

Conclusion: Therefore, Reagan is absolutely immune.

The problem here is that the 9th Circuit's major premise ignores the recent U.S. Supreme Court ruling in *Wood v. Strickland*, supra, which rejects the 11th Amendment's absolute immunity doctrine. Although this looks like a sound syllogism—that's where the court's deception lies—in reality this reason must be rejected because the major premise must be derived from the general legal truth as established by the U.S. Supreme Court. In other words, Judges Poole, Goodwin and Williams are saying to hell with the doctrine of stare decisis, which would make *Wood v. Strickland*, supra binding on their court. They are indeed showing "disobedience" to the Supreme Court's doctrine of qualified immunity. So the problem with this syllogism is that it fails to take into consideration a major premise which must be embedded and deductively reasoned from U.S. Supreme Court precedents.

...We can also see the internal conflict within the 9th Circuit itself. Look at this syllogism:

Major Premise: In 1979, Judges Trask, Anderson and Wyatt of the 9th Circuit held that Reagan, in his capacity as a Trustee, enjoyed qualified immunity under *Wood v. Strickland*, supra.

Minor Premise: In 1982, Judges Poole, Goodwin and Williams held that Reagan, in his capacity as a Trustee, enjoyed an absolute immunity under the 11th Amendment.

Conclusion: Therefore, Trustee Reagan enjoys an absolute immunity.

It is true that the 1982 court may rehear an issue and decide it in a different manner as shown in this syllogism, but prior decisions are an extremely persuasive argument in subsequent hearings. Moreover, the 1979 decision was based on the most recent Supreme Court ruling, *Wood*, supra. The problems with Poole, Goodwin, and Williams' deductive reasoning is that the 1982 minor premise contradicts the 1979 major one, which is "the law of the land." In 1972, before Reagan became President, the court said go to trial under the qualified immunity standard, but we see in the minor premise that in 1982 the 9th Circuit is saying we don't want a jury trial so we are going to evict the absolute immunity doctrine. Whether Reagan enjoys an absolute immunity as a state official is a simple "yes or no" question. In 1979 the 9th Circuit said "No!" Reagan is not immune, but in 1982, after Reagan became President, they say, "Yes, he is." Both decisions can be right.

Here the minor premise contradicts the major one, and consequently we have an illogical syllogism. The 1982 court not only thumbed its nose at the Supreme Court, it thumbed its nose at itself as well. Let me cover up as they may, for it will never sum up enough strength and cunning to throw off the its and troubles which beset them. All of this "reversal of itself" is just a way of stonewalling. If I had one shot this court has done, I too would look for the absolute immunity doctrine to conceal my shame. Behind every attempt to get away with it is the belief that one will never be discovered. Judges Poole, Goodwin and Williams, illogically and arbitrarily evoked the absolute immunity doctrine so the public could not see Reagan's treacherous conduct.

GOVERNOR REAGAN SUBJECT TO QUALIFIED IMMUNITY STANDARDS

When the U.S. Marshal served the summons and complaint on defendant Reagan in 1972, he was served in both his capacity as a Trustee and a Governor. The violation of 42 U.S.C. Sec. 1983 claims against state governors have been clearly established in *Scheuer v. Rhodes*, 416 U.S. 232 (1974); civil rights claims under 42 U.S.C. 1983 were upheld against the Governor of Ohio, the President of Kent State University and other state officials. In *Scheuer*, the Court reversed lower court decisions that the defendants were being sued in their official capacities and that therefore, in effect, the State of Ohio was being sued, and hence a lawsuit for damages is not maintainable under the 11th Amendment. The Supreme Court rejected the absolute immunity doctrine and held that if the plaintiffs could show that Governor Rhodes violated their rights in bad faith they would be entitled to damages under the qualified immunity doctrine. Yet, despite the fact that BSU lawyers beat Judges Poole, Goodwin and Williams over the head with the Kent State decision, here is the way they reasoned:

Major Premise: In *Scheuer v. Rhodes*, the U.S. Supreme Court held that governors do not enjoy an absolute immunity.

Minor Premise: We 9th Circuit judges [Poole, Goodwin, and Williams] hold that the governor [Reagan] does enjoy an absolute immunity.

Conclusion: Therefore, Gov. Reagan enjoys an absolute immunity.

We can recognize intuitively that this argument is not logical because Judges Poole, Goodwin and Williams refused to be guided by Supreme Court rulings. There is no logical relationship between the major premise and the minor, and a prerequisite for a logically arranged argument must show compatibility between the major and minor premise. Thus, when the Supreme Court says no absolute immunity for governors, Rhodes under 42 U.S.C. 1983, then the 9th Circuit ought to reach the same conclusion for Governor Reagan. But we see that they have not. Once an argument has an incorrect arrangement, that is, here we have the 9th Circuit's minor premise contradicting the Supreme Court's premise. The Supreme Court's truth says no absolute immunity, but the 9th Circuit's conclusion is just the opposite. Why? We know of no legal principle which gives the 9th Circuit the authority to overturn the U.S. Supreme Court. Indeed, these 9th Circuit judges have acted beyond the scope of their authority, ultra vires, and we must challenge them.

The fact that Hayakawa sits in the U.S. Senate and Reagan has become President does not give them absolute immunity from the consequences of their lawlessness. They, too, are liable for their acts. Reagan and Hayakawa may have been motivated by an acute anger, or their lawlessness may have been the product of fear or of righteous anger. But they too, must be subject to the rule of law, and if Reagan exceeds the authorized bounds of the law and worked with Hayakawa to perpetuate needless assault on plaintiffs' rights, they should be disciplined, tried, and convicted. The 9th Circuit cannot demand of the people to show obedience to the law and at the same time claim a right to evict the absolute immunity doctrine by lawless conduct and be free from public scrutiny and penalty. The 9th Circuit has forsaken the principles of social justice. Let justice roll down as the waters, and righteousness as a mighty stream" (Amos 5:24). And we, the American people, should not sit back idly and accept this unjust decision. The decisions of the high court are binding and must be followed by all the courts in this country. The 9th Circuit exercises inferior jurisdiction and must accept the law declared by the Supreme Court. It is not its function to attempt to overturn decisions of the high court, as Poole, Goodwin and Williams have done here. So where do Poole, Goodwin and Williams get their authority to overturn the Supreme Court decisions in *Wood v. Strickland*, supra and *Scheuer v. Rhodes*, supra? We are supposed to be a government and people under law.

The 9th Circuit has exceeded its authority, ultra vires. And we, as the American people, must challenge its authority. If authority is never challenged, there will never be change. We must follow the

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lead of the prophet Jesus who went into the temple, and His anger was aroused when He saw the corruption and desecration with the buying and selling of animals for sacrifice, and with the exchange of bribes within the sacred precincts. With the authority which was His as the Son of God, He drove out the merchants single-handed and reclined and purified the temple courts. We say that it is time the American people drive these 9th Circuit judges out, just as Jesus ran the corrupt merchants out of the temple. It was the efforts on the part of Jesus to purify the temple courts and combat corruption which led directly to His crucifixion. The leaders of the people realized that Jesus' claim to power was now so sweeping that He could not be dismissed as a harmless fanatic. When Jesus cleaned up the temple courts, He was claiming authority and the manner in which He used it was a direct threat to the status quo. (St. Mark 11:15-18)

Similarly, *Jackson v. Hayakawa*, supra can no longer be treated lightly because it represents a conflict which upset the status quo. The courts do not want you to know the behind-the-scenes role they have played in de facto manipulating the electoral process; so the judges hid behind the absolute immunity doctrine to conceal their own dirt. The 9th Circuit panels' criminal misconduct on this case prevents them from rendering a fair, impartial, equitable decision, which is a prerequisite of basic due process. They feel that if their Machiavellian scheme is discovered, they too would be run out of the temple court.

EXPERTS LAMBAST 9TH CIRCUIT

We Americans believe that the due process impartial aspect of our judicial system can be symbolized with a figure of a blindfolded woman, clothed in a flowing gown, holding the balance of the scale of justice. This symbol is our belief that the American people will obtain fair play through impartial judicial ruling, since we are all perceived to be "equal under the law." But in *Jackson v. Hayakawa*, supra, the judges tipped the scales of justice so that incumbent President Reagan will secure a landslide victory over candidate Mondale.



Scales of Justice Tipped in Reagan's Favor

The court has evoked the absolute immunity doctrine so that Reagan will not be exposed as a traitor and therefore lose the election. While President Reagan talks about patriotism and civil responsibility, love of country, and devotion to the welfare of our nation, the 9th Circuit judges evoked the absolute immunity so as not to disturb the Reagan patriotic paradigm. Reagan continues with his old-fashioned idea that patriotism means flag-waving—"my country, right or wrong" or "might makes right." But the 9th Circuit judges have concluded it would be better for patriotic Reagan to secure a landslide victory over Mondale so as to control both houses of Congress, the U.S. Supreme Court, and the executive branch of government rather than having a public trial which would result in "traitor Reagan" being bounced out of office. "We don't want this nation to undergo another Watergate type scandal," is the 9th Circuit political position for arbitrarily evoking the absolute immunity doctrine.

The public believes that once judges don the judicial gowns, "they divest themselves of all instincts of politics and become secluded monks. But given the nature of our judicial system, this public perception is unrealistic—and it has always been so. Of course, the courts will tip the scale of justice when given the opportunity."

Although the so-called Free American press has looked the other way so that these judges and Reagan would go uncriticized, the experts can see right through the court's game plan.

Judge Schwarzer and the 9th Circuit have repeatedly conducted court business in a manner which ignores procedures required by law and essential to the fair, orderly, and decorous administration of justice," said BSU lawyer Ron Jackson. "A full-scale Congressional investigation should have commenced yesterday!" He continued: "There was no legal basis to remove Reagan's name from the complaint or to evict the absolute immunity doctrine."

"The 9th Circuit decision was an absolute figment of a judicial imagination," said BSU lawyer Steve Schectman. "And the handling of the case has been a fiasco and a clear example of the American judicial process gone haywire." He continued: "The absolute immunity doctrine has been used here like a fortress, protecting Reagan and Hayakawa in everything from errors in judgement to malicious abuse of power. I too believe a full-scale Congressional investigation is long overdue."

"As far as I am concerned," said Dr. Peter Pursley, "the court has gutted the law." He continued: "The House and Senate Judiciary committees and the House Constitutional Rights Committee, headed by Congressman Don Edwards, should take up this case."

"From what I have been able to observe," said Dr. Nancy McDermid, SFSU Dean of Humanities and ACLU member, "the court is afraid to face the music."

"The judicial abuses have been insurmountable in this case," said Dr. Devere Pentony, then Dean of Social Behavioral Science.

"Every one of these allegations was proven in the case," said Dr. Dwight Simpson. "It was a meritorious suit. I believe we should hold mass demonstrations to draw attention to this injustice."

"Political expedience is not a legal principle," said Dr. Wayne Bradley, Chairman of the Department of Political Science. "Charles, please contact Assemblyman Vecellio in Sacramento so that he can get on top of this case. The case will have to be fought politically, and no more time should be spent running back and forth from the district judge to the 9th Circuit."

"There appears to be a split in the ruling class," said PLP member James Booth. "The court knows that the plaintiffs are morally and constitutionally right, but they are indecisive about letting the case go to trial. They're very protective toward Reagan."

"I personally attended the April 16, 1982 hearing," said Nigerian scholar, Dr. Ola Osoinwo. "The American court has gone to abusive lengths to conceal Mr. Reagan's wrongdoing. I don't think this injustice could happen in the British system, where great stress on ethics, manner and deportment are emphasized both in the courtroom and in relations with other barristers and solicitors. Anomalies arose in the law from the appeal court's blindly following the hasty political decisions of the district judge. The case has gotten bogged down in a morass of political confusion and inertia. This reflects on the American system of jurisprudence."

"Logic is my forte," said Dr. James Syfers, Professor of Philosophy and Co-Chairman of the Philosophy Department, "and never have I observed a more illogical decision than the one in this case. I, too, have studied and followed the case; in fact, I've done some independent investigation of my own, and I am convinced that the evocation of the absolute immunity doctrine is a red herring constructed by the court to get the public off its scent."

Attorney Larry Curcio explained to me how abusive and arbitrary the judges have acted in this case, "said Attorney William Pulliam, San Francisco Neighborhood Legal Aid Foundation.

"I swear," said BSU lawyer Harriet William, "I always had the highest regard for the 9th Circuit Court of Appeals. I used to be employed there, and so I hold a special reverence for its sanctity. But I will not be so irresponsible as to watch these disastrous and threatening decisions on students' and teachers' basic rights and do nothing about it."

"Whenever you have a case involving blacklisting of anyone," said Norman S. Feister, a member of the American Society of Law, "a human rights question is presented. These federal judges' containment of the Blacklist Case should result in the judges being brought up on charges, and I suggest that the Washington Legal Foundation Watch Project be contacted, along with the appropriate Congressional committees. Since Chief Justice Warren Burger sits on this Watch Project, and he refused to intervene in 1980 after being informed by prominent attorneys that the courts were covering up, he should be asked to disqualify himself from the proceeding. Also, the BSU should contact Prof. Oscar Schacter and Louis Henkin of Columbia University School of Law to assist in the evaluation of what these judges have done. Moreover, blacklisting is a matter for the world court since foreign students names appeared on the lists."

Separation of the courts from the control of the politicians is essential to the preservation of individual liberty. The courts took advantage of this case to draw public attention on its decision so they used the court as a weapon to assault plaintiffs' basic civil rights and to manipulate the electoral process.

YOUR FINANCIAL CONTRIBUTION NEEDED TO REACH CONGRESS
COME OUT! COME OUT! WHEREVER YOU ARE!

Remember...when we were children...we used to play some sort of a hide-and-seek game. And when most of the players were in, we'd holler to the others: "Come out! Come out! Wherever you are!"

Indeed, Ronald Reagan is but a boy grown tall because, when all is said and done, politics is more or less a game. Isn't it? President Reagan is hiding behind the absolute immunity doctrine. Isn't it? Reagan cannot be a patriot and at the same time be a traitor, as the Blacklist Case asserts. Reagan is afraid to come out and fight. So he has his friends on the bench conceal him behind the absolute immunity doctrine.

Come out! Come out! President Reagan! Wherever you are!

Whether we can force President Reagan out into the public arena depends, to a considerable extent, on our energy and strategy. I've written a book to expose this judicial corruption, but the editors won't publish it. I've knocked on doors of the local media establishment, but the editors insist that the Big International Story isn't newsworthy. I contacted Gerald Rivera of ABC's 20/20, and he said he might consider a story sometime in the future. When? In 1988—when Reagan has served his term? It seems to me that Reagan has most news media outlets locked up. The editors apparently feel that they cannot afford the luxury of telling the public the whole truth because when we requested coverage from them, it was like asking "Job to curse God."

The only thing which can possibly stop the 9th Circuit corruption and make Reagan come out is for the American people to learn the whole truth and nothing but the truth. I've tried to make my small contribution to such an awakening by spending thousands of dollars of my own funds and 12 years of my time and income in order that student and faculty grievances be redressed properly. I do not expect or deserve the slightest applause or sympathy for this small sacrifice. I mention it for three reasons only—one of which is to show you how deadly serious the situation appears to me; the second is to show you that freedom of the press and an impartial judiciary and other elements of the democratic system cannot be taken for granted. And it will be incumbent upon those of you who understand the message that I've been attempting to convey to join with the Jackson plaintiffs and say, "The buck stops with us!" Third, your financial contribution is needed so that the plaintiffs can take a full centerfold advertisement in a national newspaper in order to get Congress moving.

NEWSPAPER ADVERTISEMENT NEEDED, \$70,000

I have spoken with the advertising department of the Washington Post in order to get an estimate on the approximate cost of running a full centerfold ad in that paper as a means of bringing the Blacklist Case to the attention of Congress. We don't have the thousands of dollars needed to lobby Congress, but we can set things in motion to bring about a redress of our grievances. The costs of a spread similar to the one you have just read would run about \$70,000. We will appreciate your federal tax deductible contribution; it should be mailed (checks or money orders, please) to this address:

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In addition, anyone wishing to personally contact me can do so by leaving a message with Dr. Jim Syfers, Co-Chairman of the Philosophy Department at San Francisco State University and/or Professor Mason Wong of the Ethnic Studies Department at SFSU.

So we're saying to you now,



Folk singer Barbara Dane rallied crowd Tuesday at UC Berkeley

Savio

Continued from page 1.

most crucial issue is stopping the roulette gamble of the nuclear arms race.

"The course we're on is a course we can't survive," he said. "I used to study math and I can't escape the proposition that if you spin the wheel enough times your number will hit."

And, he said, protest politics can be effective in changing government policy. Through protest, "Ronald Reagan has been forced to moderate his stands on foreign policy."

Later, Weinberg said student activists today should not look to the

past for guidance. "People don't have to live with our legacy." The fact that activism became "fashionable" is a "crushing burden for young people today," he said. "Maybe it required this 20-year period to clean things up. Maybe college activism has to start all over again."

Jackie Goldberg, once a member of the FSM steering committee and now a member of the Los Angeles school board, called the movement "an act of people who believed in justice." Looking much like a PTA mother in her purple pantsuit, she said, "We weren't all radicals. We

were not all anything, except committed."

Perhaps trying to debunk a myth about her generation, she told the largely young, clean-cut audience, "We weren't any different than you here today. I was a pledge member of my sorority."

But she stressed the importance of what the movement accomplished. "You fight for freedom of speech because you need to be able to talk about civil rights... about sexism... about people who tell you that because they can kill you more times today than yesterday, that you're safer now."

Mentors help minorities

Program links students, faculty

By David Finnigan

SF State is helping to ease the way for minority students with Student Affirmative Action's (SAA) Mentorship Program, which links new minority students with concerned faculty.

This pilot program involves over 150 students and 120 faculty and administrators who work together to help the student adjust to the chaos of college life.

Participating faculty or administrators are assigned one student, whom they meet with at least five times a semester. Acting as friend, arbiter and advocate, the mentor is there to develop in the student a better understanding of university life. More importantly, the Mentorship Program is a way for minority students to connect values, needs, and skills to academic planning and career decisions.

Zeta Al-Hark, a senior social work major found her mentorship with dance professor Dolores Cayou successful.

"Having a mentor made me realize that there's someone who knows the ins and outs of this place, and to explain and make my campus experience better," she said.

Colleen Dougherty, a senior majoring in psychology, had Provost Lawrence Ianni as a mentor.

"He was very friendly, willing to help me, and said that I could go to him for anything," she said. "He also worked directly with me in helping narrow down graduate programs."

Dougherty pointed out that minority students have felt in timidity from teachers, and that it's hard to take that and turn it into a friendship. She noted that being a mentor allows faculty and adminis-

trators to show their willingness to help.

"I participate in it to give some indication of administrative support," said Provost Lawrence Ianni. "But I got a lot more out of this than Colleen did. She's very much in control of herself."

Dr. Gene Royale, director of SAA, started the mentorship program here in 1978, one year after three pilot programs were started at Fresno, Sacramento, and San Jose state universities.

To help get the faculty involved in the program as much as possible, Royale decided to get a mentorship program coordinator from inside the faculty ranks.

Enter Dr. Daniel Begonia, an Associate Professor of Asian-American Studies and Psychology since 1971 and now SAA's Retention Coordinator.

"When I was here at State I studied under Frank Hovell (Provost of Psychology)," Begonia said. Later at Stanford he met Alfredo Castaneda, who encouraged him to pursue graduate studies. "So coming from that background, I can understand what a mentor, someone to turn to, can be to a student," he said.

SF State's Mentorship Program is the largest in the CSU system. Unlike some other CSU campuses that pay faculty to be mentors, SF State's program is all volunteer.

Humberto Sale, a graduate student in psychology and director of La Raza Students in Psychology, is releasing a report this month comparing the institutional support and academic success that students in the program experience as compared to minorities who do not have mentors. Out of the 240 surveyed, 168

responded, 92 of whom had mentors.

The study showed that mentorship students have more career role models at SF State than those not in the program and that 84 percent of the mentorship students use the Academic, Career, or Learning centers. Only 41 percent of the non-mentorship students said they used those services.

Begonia said a problem in this pilot program is one of supply and demand — too many students are signing up for the program, and there are not enough mentors to go around.

"On the one hand, having too many possible mentorees and not enough mentors is an indirect measure of the program's success," he said.

While all minority students are eligible for the program, they must maintain at least a 2.5 grade point average to remain with it. Begonia said that sometimes those students with poor grades are the very same ones who need a mentor. If a student seems to be committed to the program, Begonia said, exceptions can be made.

"Our ethnic students need a little encouragement to come and stay, and this program helps to do that," Provost Ianni said.

"It's hard to stay any place where you don't feel at home, and this is their home."

"The big majority of Americans, who are comparatively well off, have developed an ability to have enclaves of people living in the greatest misery without almost noticing them."

— Gunnar Myrdal

Review policy miffs faculty

By Tom Skeen

Some SF State faculty members, miffed at having to submit to performance evaluations every five years, are concerned that faculty morale will be damaged if campus administrators have access to their performance reports.

The evaluations are required by the collective bargaining contract between the California Faculty Association and the California State University Board of Trustees. It applies only to tenured faculty members — assistant, associate and full professors who have completed probation and are assured permanent, full-time employment.

Bernice Biggs, chair of SF State's Academic Senate, said the state Legislature originated the idea for periodic evaluations because of a concern that professors would "coast" on the job once they earned tenure and got to the top of their promotion ladder.

The collective bargaining contract permits SF State to develop its own evaluation procedure as long as it encourages and recognizes the accomplishments of tenured faculty, and recommends ways to improve individual job performance.

A procedure that meets those objectives was completed by the Academic Senate in its Sept. 18 meeting, said Biggs. It calls for each department to set up a faculty peer committee which, along with the department head, will evaluate tenured members.

But Provost Lawrence Ianni told the senate that he was unsure if he would recommend that SF State President Chia-Wei Woo approve the procedure without a provision that gives "appropriate campus administrators" access to the evaluation reports. The senate's procedure gives access to the evaluation reports only to the evaluated individual and the department head.

Becky Loewy, a psychology professor and chair of last year's Academic Senate, said the faculty is not happy about the evaluation policy and is worried it would lead to the rewarding of some faculty members while punishing others.

Under the Exceptional Merit Service Award program, Woo can award \$1,500 to selected teachers if, in his judgment, they have done an outstanding job. But the faculty

feels the EMSA could be used to unfairly favor some faculty members and might result in damaging the morale of others, said Loewy, which is why the faculty wants to keep evaluation reports out of administrative personnel files.

Loewy said, "It is an insult" to faculty members when people think they can be motivated by a bonus of \$1,500 to do a better job than they are now.

Sexual assault occurs near Mary Ward Hall

By Ed Russo

An 18-year-old female student who was sexually assaulted fought off her attacker in a campus parking lot Monday night, according to the Department of Public Safety.

The student, who was unhurt, was walking through the faculty parking lot to Mary Ward Hall at 7:45 p.m. when she was grabbed from behind by an unidentified man.

The assailant pushed her against a

chain link fence and pressed his body against hers. The victim screamed and pushed the man away. He fell and she ran for help.

The suspect was described by the victim as a tall, thin black man in his thirties. Investigator Jeff Baladad said he was clean-shaven, about 5 feet 11 inches and had a "large afro haircut." He was wearing dark pants, a dark plaid shirt and a black jacket.



Dan Begonia discussing future graduation plans with senior Psychology major Colleen Dougherty

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Internment camps—bitter era revisited

By De Tran

Tule Lake, population 1,000, is known as "The Horseradish Capital of the World." But since World War II, it has taken on another identity: this sleepy farming town was the site for the largest of 10 "relocation camps" for Japanese-Americans during World War II.

Names like Manzanar, Poston, Topaz and Tule Lake evoke nightmares for many Japanese-Americans. An estimated 110,000 people of Japanese ancestry, most of whom were American citizens, were incarcerated in 10 camps from May 1942 to March 1946, under President Franklin Roosevelt's Executive Order 9066.

Roosevelt's order, signed in February 1942, empowered the military to remove all those of Japanese descent from "military" areas on the West Coast.

On the weekend of Sept. 21-23, about 200 people, many of Japanese ancestry, went on a pilgrimage to Tule Lake where 18,000 Japanese-Americans were sent during the war.

The visit to the camp site brought sad memories to many internees. The rows of tarpapered barracks

surrounded by barbed wired fences and armed guards during the war had been reduced to one dilapidated little building.

The building is now a historical landmark, an indelible reminder of what happened four decades ago.

"These are not very good memories," said former internee Harry Otsuji, 82, "but my kids want to meet with history." Otsuji was 40 when he first came to Tule Lake in 1942. He worked there as a foreman for \$19 a month, the top salary for the internees, regardless of profession.

According to George Kitagawa, another former internee, his father served as the director of the hospital in camp for only \$19 a month.

"Here's a doctor graduated from Stanford Medical School and the director of the hospital, and he was getting \$19," he said, "while the American nurses working under him were getting \$150 a month."

Nobu Najiwa, of Eugene, Ore., recalled her wedding at the onset of the war.

"We had our engagement party the same day as Pearl Harbor," she said. "The FBI came around and asked the restaurant owner if we were celebrating (the bombing)."

Her honeymoon, she recalled, was not ideal, either.

"My husband and I spent our honeymoon with four other people in a small room," she said.

Another woman, who asked not to be identified, also remembered the confining living conditions. Her six family members shared one large room.

"I was 15, 16 years old at the time," she said. "My dad brought wooden crates from a grocery store in camp and partitioned a little room for me so his daughter could have a little privacy."

Her parents, she added, had to sell everything before going into camp. They sold their 40-acre farm and their house in Madera (near Fresno) at dirt-cheap prices.

"We sold our new Ford truck for \$1,000," she said. "Four years later, they wanted \$8,000 for the same truck."

Her parents, disillusioned with the disappearance of their 30 years of hard work, went back to Japan after the war, she said.

Currently, redress and reparation efforts are underway for the internees. However, the subject is still being debated in Congress. Proponents of the reparation movement estimate property losses of interned Japanese-Americans at \$6 billion in today's value.

The redress and reparation efforts have received support from many prominent politicians, including Assembly Speaker Willie Brown (D-San Francisco), Senator Alan Cranston (D-Calif.) and State Senator Milton Marks (R-San Francisco).

Marks, who greeted some of the participants of the pilgrimage at the San Francisco departure point, said his resolution calling Congress to appropriate money for those incarcerated has just passed the State Senate.

The sixth pilgrimage to Tule Lake was not restricted to former internees of the concentration camps. Many young Japanese-Americans, as well as those of non-Japanese ancestry, participated. Some went out of curiosity. Others, as a way to get in touch with their Japanese heritage.

Dr. Dave Kawana, 31, who works at San Francisco General Hospital, said he went because he wanted to discover his Japanese heritage. Kawana, who was born in Japan to a Japanese mother and an American father, was adopted by an American family when he was very young.

"Since I did not grow up in a Japanese household, I'd like to learn



By De Tran

Harry Otsuji, 82, is shown here with two-year-old Brandon Masao Wong at the historical landmark erected as a reminder of the "relocation camp."

about the Japanese half," he said.

Twenty-year-old Kati Nelson, a student at UC Berkeley, said she wanted to learn more about her heritage.

"My mother was in Poston (camp) in Arizona," she said. "But it's never talked about in my family. I am taking a course in Japanese-American history at Berkeley, so I want to learn more about not only the concentration camps but also the Japanese immigration to America in the 1890s."

Andrew Wong, a 25-year-old SF State student, sees similarities between his Chinese-American heritage and that of the Japanese-Americans.

"A lot of Chinese immigrants when they first came here had to stay in 'pig barracks' on Angel Island," he said. "Anywhere from a few days to three years, they slept on hammocks that were stacked four high and wall-to-wall."

"That's the basis of our similarities," he added.

Tom Scott came to Tule Lake from Seattle because he respected the Japanese-Americans who fought in World War II, specifically the 442nd regimental battalion, which

consisted of volunteer Japanese-Americans.

"My first impression was that these guys were crazy," he said. "Otherwise, why would you leave these cozy camps and volunteer for the war?"

Scott, who fought alongside the 442nd, added that it was the most decorated unit in World War II.

"Words were out that the Germans were afraid of them," he said. "They always charged ahead regardless of casualties."

"The only AWOL they ever had was by one guy who escaped from the hospital to go back to the line," he added.

Lisa Wartenberg of San Jose went to the pilgrimage for another reason.

"I've always wanted to learn about what this country had done to others," she said. "I wanted to look at what happened, what's happening and what's going to happen. You can read a lot from history books, but you never get a feel for it unless you are here."

The weekend pilgrimage, for the most part, was conducted in good spirit. However, there were a few solemn moments.

Harry Nakashima, 68, said the site reminded him of the four years he spent there.

"When I see the ground, the place, I thought of old memories," he said. "Mostly sad memories."

He stopped, looked around for a while. His eyes gazed far away. His ever-present smile ceased. He then offered a forced smile.

"I can still picture how everything was," he said.

On the way back to the fairgrounds where the group was staying, Kawana quietly said, "How would you like to spend four years of your life in this desolate place, behind barbed wires, not knowing what was going to happen tomorrow?"

Above, the September sky was painfully blue. And the sun was shining. But it was freezing cold.

This story was made possible with funds from the Reader's Digest Foundation.



By De Tran

Harry Nakashima was 28 years old when he was incarcerated at Tule Lake. Forty years later, he came back and prayed during a ceremony remembering the internment.

A student bites a teacher.
The school psychologist goes berserk.
The substitute teacher is a certified lunatic.
And students graduate who can't read or write.

It's Monday morning at JFK High.



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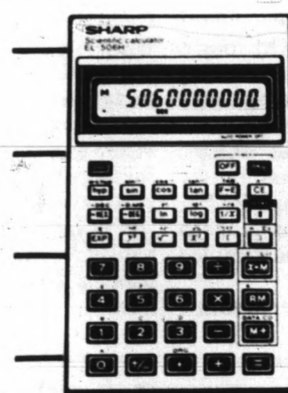


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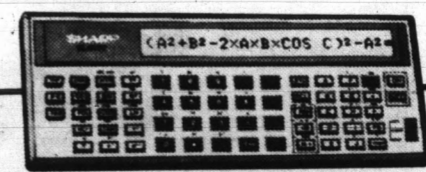
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Learn to cram for grad exams

By Russell Mayer

Do you know what the antonym of parsimonious is? How long has it been since you boned-up on the measurement-related concepts of area, properties of lines and the Pythagorean theorem?

These are not questions from Selchow and Righter's new sensation Trivial Pursuit game. They are questions you may be asked on your entrance exam to graduate school.

To help prepare for these tests, many students enroll in an exam-preparation course. Flyers for these courses, offered by numerous companies, litter campus bulletin boards.

The Educational Testing Service, based in New Jersey with a regional office in Berkeley, has conducted a survey on the effectiveness of these courses. The survey showed these courses do little to raise scores and that there are better ways to prepare for graduate exams.

"In a survey of the preparation courses, we found that, essentially, they don't raise the students' scores," said Durelle Yourbourough of ETS. She said preparation courses are valuable only because they re-acquaint students with entrance exams. Many have not dealt with a major test since the Scholastic Aptitude Test. "They make them (the students) feel more comfortable," she said.

The University of San Diego has offered test preparation programs for five years in San Francisco, Sacramento and Los Angeles. "Our students score 50 to 60 points higher

on the (800 point total) GRE (Graduate Record Exam) than if they hadn't taken the course," said Sue Sullivan of USD.

The preparation service costs \$295 for a 32-hour course and \$375 for a 40-hour course. If, after spending \$295 or \$375, and 32 to 40 hours of classwork, a student fails to score in the top 25 percentile, USD allows a repeat free of charge.

The Graduate Admission Preparation Service sells test preparation courses for home study. "We sell a lot of home study courses to foreign students," said Jeannie Ray of GAPS. "A lot of foreign students are not as proficient with the language so they find the home study course very valuable."

GAPS charges from \$149 for the GRE to \$350 for the MCAT (Medical College Admissions Test). They also offer a 10-day money back guarantee. "Some people return the material saying, 'This is too easy; I already know this.' Others return it because it's way over their heads and they don't feel they're ready yet," said Ray.

The SF State Office of Extended Education offers seminar courses to help students prepare for the exams. The prices range from \$95 to \$115.

By the way, the antonym of parsimonious is prodigal. Parsimonious means frugal to the point of stinginess. Prodigal means extravagance to the point of wastefulness.

Considering the results of test preparation courses, maybe students should be a little more parsimonious and less prodigal when they consider taking such courses.



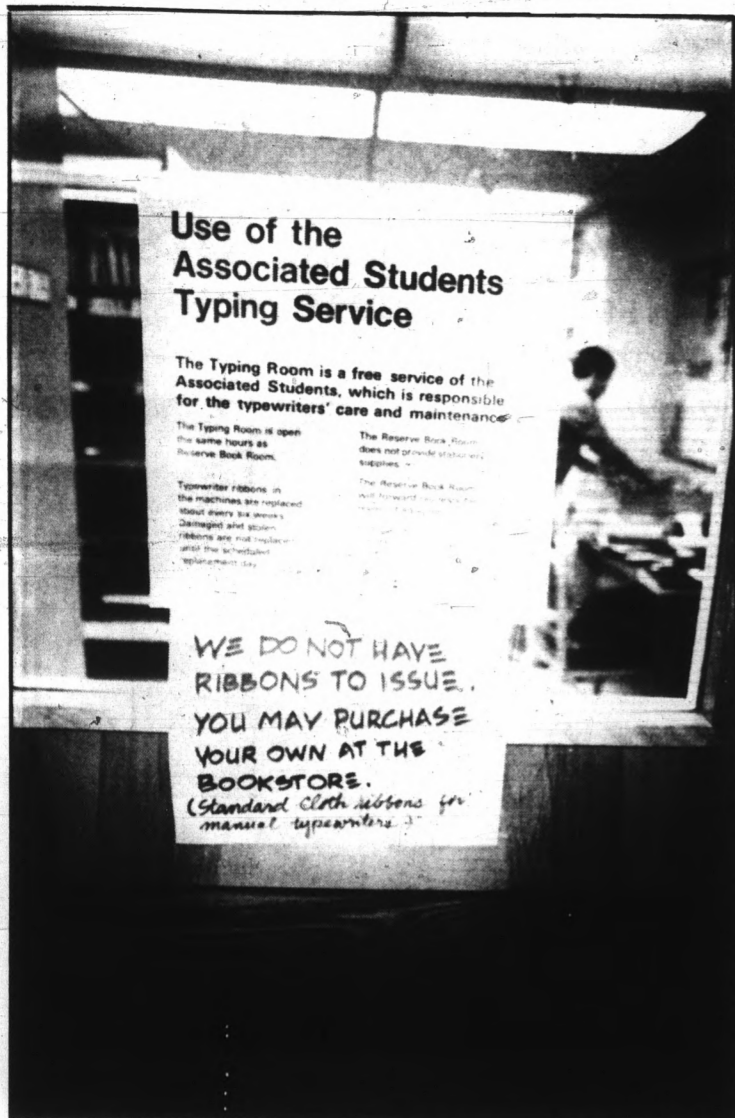
Rock 'n' roll vote

Rock music and voter registration may not have a lot in common, but this weekend they will be linked in a celebration in Golden Gate Park.

Culminating the end of "Voter Registration Week," a two-day festival will be held in Marx Meadow from noon to dusk. A free concert will be given Saturday and Sunday, featuring headliners Bonnie Hayes and the Wild Combo, Marty Balin, Jesse Colin Young and the Youngbloods, the Zasu Pitts Memorial Orchestra and Yanks.

Produced by Imagine Nine, a non-profit production company, the "Spirit of America" Festival will also feature food booths, community service exhibits and guest speakers.

Registrants will be circulating in a last-ditch effort to increase voter participation this year.



The soon to be renovated Associated Students' typing center

Library typing room to get IBMs Oct. 8

By Clare Gallagher

The Associated Students' typing room on the ground floor of the J. Paul Leonard Library will have 15 used IBM Selectrics available October 8, and eight out of the 20 dilapidated manual typewriters now in the room will be fixed.

The electrics will cost 50 cents an hour for use Monday through Friday, 8 a.m. to 6 p.m. The manuals will stay free of charge and will be available during reserve book room hours, according to Howard Wolff, AS program coordinator.

If student demand justifies it, Wolff said he would consider extending the hours for the electric typewriters.

"If the students need (the electric typewriters) open at night or weekends we will try to work it out," he said.

The 50 cent charge, equivalent to charges at the San Francisco Main Public Library, will be used to make the facility self-supporting, said Wolff.

Typewriters in the dormitories will be next in line for repairs.

Most students have purchased a ribbon to use the library typing facilities, because at last count, only two of the 20 machines had ribbons. No new ribbons had been installed this semester in preparation for the overhaul. Beginning October 8, ribbons will be replaced every three to four weeks unless they are stolen with alarming frequency, said Wolff.

Pat Tobin, a junior marketing student said, "I'll be happy when they get the electric ones in."

Tobin, who came armed with his own ribbon, called the current facilities "the worst."

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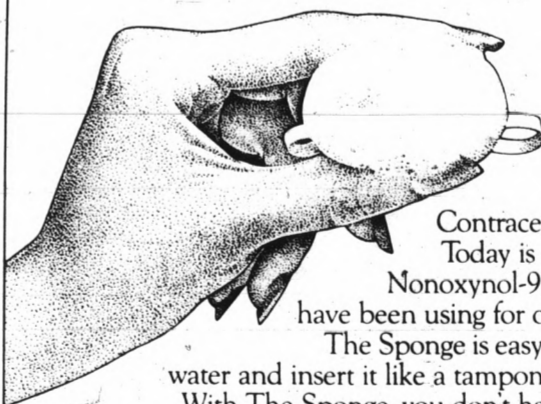


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Arts

Poet conquers darkness



Beat poet Robert Duncan at the Valencia Rose Cafe

By Jana Salmon-Heyneman

Two squat, green wine jugs guarded the door to the Valencia Rose Cafe Saturday Sept. 22. The wind wrote poems on the littered sidewalks past graffitied storefronts.

Inside, harsh lights cast shadows across the stark stage. A table, a microphone and an old upright piano were shoved against the wall. Poet Robert Duncan emerged from the standing-room-only crowd of poets, bearded academics and elderly ladies.

"He's one of my two friends on Earth. Larger than life, he's ours in the sparkling flesh," said Poet Ronald Johnson, introducing Duncan to the crowd.

Duncan, 66, wore a tan linen suit.

His hair was short and gray. Dark circles offset his blue eyes. He spoke with a trembling voice. His hands shook.

Duncan, who suffers from a kidney ailment, said, "You're all saved (because) I have to go for dialysis change at 5:20 p.m. You won't have a four-hour reading."

But when he read, his voice was firm. The hand stopped shaking and began orchestrating the cadence of his verse. The old out-of-tune keyboard sang.

*Dawn did not start here,
Am I so darkened no ray of sun
will venture.*

*I am talking about the beginning
of age in my body.*

—"In The Dark"

Reading from his upcoming book, "In The Dark," he addressed

death through images of clocks, graveyards and "heavy light." His poems, like dirges, march to slow, measured cadences, and reverberated though the morguelike crowd.

"When faced with my death, I find myself practicing little deaths between lines, between stanzas."

Oakland-born Duncan played a major role among the San Francisco Beat poets during the 1950s and early 1960s. The SF State Poetry Center's Assistant Director Frances Phillips said Beat poets were interested in opening poetic form through longer lines and arrangements.

Under Beat poets Allen Ginsberg, Philip Whalen and Lawrence Ferlinghetti and Duncan, poetry readings "emerged as an art form," she said. The Beats challenged the status quo by criticizing the "American way of life."

Poetry Center Office Manager Larry Price said Duncan was instrumental in the Center's 1954 founding. Duncan brought major 20th century poets to the Bay Area, including Louis Zukofsky and Black Mountain poets Charles Olson and Robert Creeley. He taught at the experimental Black Mountain College in North Carolina in the late 1950s.

Price said Duncan's writing has "romantic roots, a hermetic tradition and other roots in narcissism."

At Saturday's reading, sponsored by the Poetry Center, he read mainly from his newly released book, "Ground Work," which follows a 15-year silence since his last publication. "I wanted to go back to the groundwork that left me," he said.

"The world around me is not very real."

When asked what place he now inhabits, Duncan snorted, "I am in Sydney, Australia."

But Duncan's Australia is mapped by the geography of verse. It is the down-under continent of imagination.

The crowd sat, holding their chins, their lips slightly parted. Duncan's poems convey a guttural homosexuality, then soar into a pastoral.

The book is saturated with erotic music, dark rhythms and classical allusions.

Few poets now incite audiences to commit crimes of passion and madness. Duncan comes close. His verse stirs the blood with bacchanal odes of beauty and despair. In "Ground Work," he faces his inevitable winter. But a phoenix emerges from the snow-covered embers. Duncan's phoenix is love.

Speaking to his longtime companion, painter Jess Collins, he read, "for the embrace of our two bodies, for the entwining of bodies, for the kiss."

His hand trembled again as he tried to slip the blood-red hard-bound volume back into its cover. The reading was over. The magic dissolved in the fading sunlight.

Three or four muscular young men surrounded Duncan. Dark satyrs dressed in black leather jackets and skin-tight jeans. Duncan beamed. The old poet wasn't dead.

*I love what is real,
How awkwardly we name it*

—"In The Dark"

Behind me as I speak to you I hear

All your men, your shipmates...

*Closed round in Circe's circles,
Grunting rooting, snuffing, fuck-*

ing

At the gates...

*I bring this herb, black at the root
And milky white where it blooms.*

—"Near Circe's House"

Duncan's concern with his homosexuality, the process of writing poetry and art haunt his work. He is an architect of dreams built in flesh.

*Let me then recite the seasons,
As I would recite the passing of
anarchists and great kings,*

*The wear yields to transformations
of air.*

—"In The Dark"

Poetry Center survives

By Jana Salmon-Heyneman

Although faced with new funding cuts, SF State's Poetry Center will survive by relying on diverse sources, according to office manager Larry Price.

"We are really in tough straits," he said.

Located in HLL 340, the center has a poetry library and audio and video tapes that are distributed worldwide. Scholarship and contest information is provided to students

and the public. The magazine, "if," with student poetry is published three times during the semester by the center. Submissions are welcome.

Funded by the Creative Writing Department, the Associated Students, the California Arts Council and the National Endowment for the Arts, the center also receives private grants and donations.

Price said the new consolidation of student service fees will adversely affect the center.

"It's a bad situation. We are always being jeopardized," he said. "But we will survive."

The AS currently funds the center's annual reading series which has featured renowned poets such as W.H. Auden, Dylan Thomas, Josephine Miles and Fernando Alegria. Saturday at the Valencia Rose Cafe, poets Charles Bernstein and Ron Silliman will give a reading at 3 p.m.

"San Francisco has a very exciting literary scene. The center wants to be a part of it, and make a record of it," said Assistant Director Frances Phillips.

Founded in 1954 by Ruth Witt-Diamond, the center is used by 1,500 people a year. It is open Monday through Friday, from 9 a.m. to 5 p.m.

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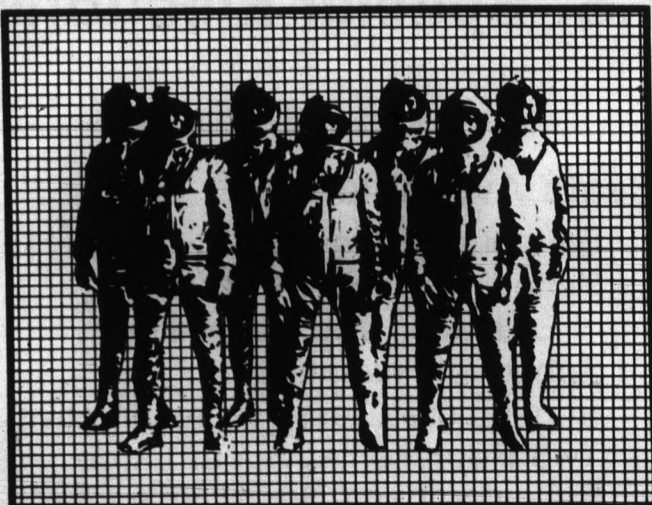
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MODERN TIMES
Starring Charlie Chaplin
Tuesday Series
October 9
4:00 7:00pm
Barbary Coast, Student Union
\$2.00 Students, \$2.50 General

Calendar

ART

Black and white photographs of European cities and landscapes by Martin Cox brighten the walls of the Student Union art gallery through Oct. 19.

Ethnographic and biographical materials reflecting anthropologist Paul Radin's career are on display in the William D. Hohenthal Gallery, SCI 373, through Nov. 15.

MUSIC

Free Rock Videos Thursday nights from 5-7 p.m. in the Union Depot.

Rock with "The Stingers" Thursday Oct. 18 in the Depot free.

LECTURES

Next Friday Mitchell Laurance and Anne Bloom from HBO's "Not Necessarily The News" will give a free improvisation workshop in the Little Theatre in the Creative Arts Building from 10 a.m. to noon.

Today a slide show and lecture on painter Frida Kahlo will be presented free by author Hayden Herrera, from 12:15 to 2 p.m. in room 109 of the Arts and Industry Building. Wife of muralist Diego Rivera, Kahlo's work is considered surrealistic, and full of Mexican national pride, maternal longing, black humor and sexuality.

DRAMA

Harold Pinter's "Old Times," produced by the Theater Arts Department, continues its run tomorrow and Sat. at 8 p.m. and Sunday at 2 p.m. in the Little Theatre. Admission is \$3 students, \$4 general.

FILM

Associated Students Performing Arts presents "The Right Stuff" tonight and tomorrow at 4 p.m. and 7 p.m. Admission is \$2.50 for students and \$3 general. "Modern Times" will be shown Tuesday at 4 p.m. and 7 p.m.

George Orwell's "Animal Farm" will be shown in McKenna Theatre next Friday at 7:30 p.m. Admission is \$1.

'Old Times' worth forgetting

By Tracy Nelson

Peculiar music came from the speakers in the Little Theatre last Thursday. It was an early-warning signal.

"What's that noise?" muttered several people. Could it be whales? Is someone crying? The questions had only begun in the semester's first theater-arts production, "Old Times," by Harold Pinter.

"The play is about relationships," said director Chris Hampton. "It is about marriage and friendship. People will recognize themselves in it."

The plot centers on the tangled

dealings of Kate, husband Deeley and the "other woman," Anna.

The specifics of the sexual and emotional ties between the main characters are never clearly revealed and the story line gets lost in a jumble of confusing anecdotes about the past.

Kate, played by Mary Mara, is a manipulative and sarcastic housewife who is witty and cool when Deeley questions her about the upcoming visit of her old friend, Anna. Peter Kjanaas as Deeley dryly pokes fun at Kate and pries into the old days when she and Anna lived together.

Barbara Barnes plays the brash, animated jet-setter, Anna, who en-

ters reminiscing about her wild youth, "staying out all the night" at the opera, ballet and cafes in London. Soon Deeley and Anna are discussing Kate as if she were non-existent.

Anna has come to disrupt Kate and Deeley's marriage. She competes for Kate's attention and alludes to a confused relationship in the past. Kate is forgiving at first, but turns on Anna later and the friendship dissolves.

The constant jump from conversation to conversation and

from one time frame to another creates such confusion that the audience is left groping for meaning.

Did Deeley and Anna have an affair? Did Anna and Kate have a homosexual relationship? Why have more than a few of the 100 audience members vanished after the 10-minute intermission?

During the first half of the play, the characters' sarcasm drew a few laughs from the otherwise silent audience, but in the second act, tension, or perhaps boredom, prevailed.

An uneven storyline made this a slow-moving play that raised more questions than it answered.

Old Times plays Oct. 5 and 6 at 8 p.m. and Oct. 7 at 2 p.m.

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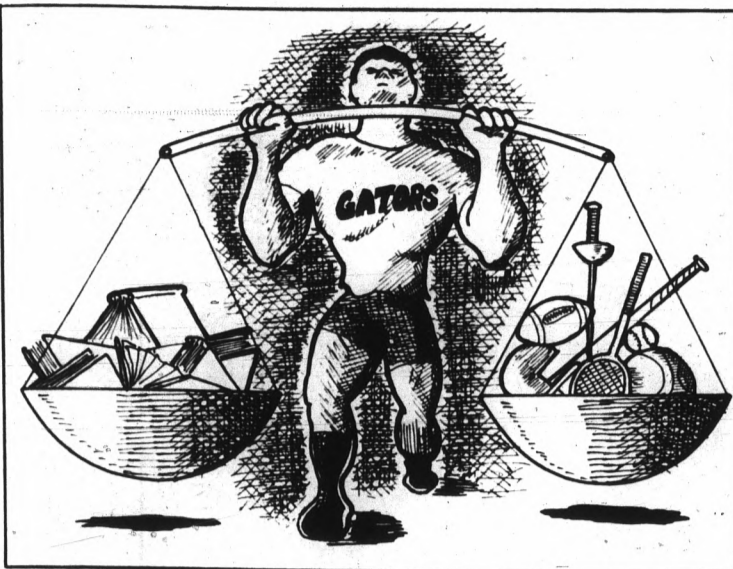
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Sports

Athletes work into overtime



By Doug Von Dollen

To most students, athletic scholarships conjure up images of four years of free school, lightweight courses and all the dates you could ask for.

All that is asked in return are a few months of practices and a game or two every week — not a bad set-up.

Now consider the athletes at schools that do not offer athletic scholarships, such as SF State.

SF State's soccer players, for example, must juggle midterms, research papers, housing and food bills, practices and games.

"I really don't know when I find time to study," said soccer player Goge Johl. "I guess I'm usually reading some kind of textbook in the bus on the way to games."

Johl, a junior majoring in business marketing, shares a house off-campus with friends and works 24 hours a week for a wholesale distributor.

On top of working and carrying 12 units at SF State, Johl spends four afternoons at soccer practice every week and two more playing in games.

"It's tough," he admitted, "but SF State is giving me my best opportunity to go to school and still play soccer."

Johl's coach, Jack Hyde, said playing soccer at SF State does not exempt anyone from working hard in class.

"We expect just as much from our players as other schools expect from their scholarship players," Hyde said.

"They still have to keep their grades up and take enough units to qualify for the program."

Hyde also said most athletes entering college have an unrealistic view of athletic scholarships.

"Some kids immediately hear 'scholarship' and think it will give them status," Hyde said.

"In most cases, they are not getting a full scholarship, though. They can find themselves at a university charging \$8,000 in tuition every semester and receiving just \$600 in scholarship money."

Hyde said most soccer players who come to SF State are looking for a serious soccer program where they will be able to play and will not be sitting on the bench.

"They're also looking for a school with serious academics that carries their major," he said.

Adrienne Pike, a junior on the women's soccer team, said she studies while working as an environmental engineer at Berkeley's Alta Bates Hospital on the weekends.

"It's hard to find time for homework," she said, "but I've never regretted going out for soccer."

"When you're a new student, it's a great way to meet 21 people right away. You may not get to know all of them, but at least two or three end up being close friends by the end of the season," she said.

Pike also sees soccer as a good way to relax after a long day of school.

"Soccer is really competitive," she said, "and the running and kicking are a good way to take out your aggressions."

Pike, a physical education major, hopes to go into athletic training once she graduates, but she said she will always play soccer.

"In the future I'd like to play on a club team or in an organized league while I'm working at my career," she said. But, "I've got three more years of eligibility here and I plan on staying in the program."

Some soccer players are looking beyond their careers at SF State.

"Everybody has got their ambitions," said Johl. "I'd like to play professionally; I think I've got the talent."

Johl's teammate, Steve Sellers, would also like to turn professional, and he is working hard to reach that goal.

"A group of us seniors sent letters to pro coaches asking them to come see us play some time," Sellers said.

"If you want to play professionally, a lot depends on who you know and who knows you, so we're trying to get our names in front of as many coaches as possible."

Sellers is an industrial arts major living in the dorms. He said a student loan makes it possible for him to continue to carry 12 units, live on campus and still play soccer.

"Industrial arts is a tough program but I enjoy it," he said. "I find time to study when I can and my grades haven't really suffered because I'm involved in sports."



A tough Gator defense tamed the Cougars

By Craig Chapman

Gators rout Azusa, 41-14

By David Rothwell

A powerful offense and the Gators' purple pain defense, who held Azusa Pacific's Cougars to 48 yards rushing, keyed the Gators 41-14 win Saturday, lifting their record to 2-1.

"Our nose guards did a good job up the middle," said defensive line coach Ferris Anthony. "Our line is improving week to week. We're getting tough."

Quarterback Rich Strasser had another good day, passing for two touchdowns and scoring another on a sneak. Strasser completed 13-of-21 for 195 yards, including a touchdown pass to tight end Jim Jones, who caught four passes for 114 yards.

This Saturday, the Gators meet the Hayward State Pioneers in Hayward. The 1 p.m. game will be the first conference contest for both teams.

Hayward, who beat Cal State Northridge, 38-26, away last weekend are also 2-1.

The Gators opened the scoring early on Rodney Harvey's 14-yard run up the middle with 8:36 left in the first quarter. Place kicker Scott Leet's miscue on the conversion left the Gators up 6-0.

A Cougar punt blocked by strong safety Marlowe Brinson set up the next Gator score. Following a 33-yard pass to Jones, Strasser hit Richard Reese in the end zone for the second touchdown.

The Gators scored again on their next two possessions. Strasser, on three consecutive pass plays, hit Jaime Hill for 10 yards, Mark McEachren for 17 yards and Reese for 15 yards. Keith Yeager's twist-

ing, second-effort run covered the last 9 yards for another Gator touchdown.

"It was nothing fancy," said Yeager. "It was a trap play with good blocking and I just ran as hard as I could."

Shedrick Watts' 6-yard quarterback sack forced the Cougars to punt on their next possession.

The next punt was also blocked. The Gators recovered the ball in the end-zone for a touchdown but the play was called back because of an offside penalty.

The following punt was blocked anyway and with the ball on the Cougar 21-yard line, Strasser hit Jones for the fourth Gator touchdown.

"We put Jones and a back on just one defensive man," said Strasser. "The guy has to pick one to cover. That time he covered the back, so I hit Jones."

It was an ex-Gator who keyed the Cougars only first-half score.

Free safety Chris Foxx, who left the Gators because he wanted more playing time, intercepted a Strasser pass late in the second quarter.

The Cougars drove 70 yards and quarterback David Russell found Kimball Chase for a 10-yard touchdown.

"At first I thought it would be tough coming back here," said Foxx, who intercepted another pass in the second half.

"But these two interceptions are the first of my college career. I had a lot of tackles and I'm happy with my performance."

The Cougars, who are now 0-4, opened the second half with an 80-yard drive capped by a 39-yard touchdown pass from Russell to

Maurice Wyre.

The Gators scored late in the third quarter when Strasser completed a 47-yarder to Jones, setting up a 1-yard sneak by Strasser.

Leading 27-14, Gator coach Vic Rowen pulled some of his starters and gave the second string some playing time.

Backup quarterback Richard Pinkston led the Gators to one last touchdown, a 1-yard toss to Harvey.

Defensive standouts included Kenny Mitchell, who led all tacklers with 11; Andrew Nunes with one interception and Brinson's two blocked punts. The Gator defense sacked Cougar quarterbacks eight times.

After the game, Foxx was busy talking with his friends from SF State.

"I'm really impressed with the Gators this year," he said. "They're big and really ready to play."

"A 2-1 record is a great start. Hey, it was great coming back here."

The UC Davis Aggies regained its winning form with a 10-6 defeat of Cal Poly San Luis Obispo.

Sonoma State, who host the Gators Oct. 13, lost its third straight. Sonoma led, 9-6, in the third quarter, but non-conference opponent St. Mary's came back to win, 17-9.

Chico State defeated University of San Diego, 23-0. Portland State beat Humboldt State, 30-7. Santa Clara, 4-0 and ranked sixth in NCAA Division II this week, beat Sacramento State, 21-14, after letting Sacramento State tie the game, 14-14, in the third quarter.

Sidelines

Soccer — men

Herbert Martinez' goal with three minutes remaining in double overtime gave the men's soccer team a 1-0 victory over the Hayward State Pioneers at Maloney Field yesterday.

Martinez' goal broke a jinx which had left the Gators with a 0-2-1 record after three previous overtime games.

Coach Jack Hyde credited a team meeting earlier in the week for "lighting a fire" under the Gators.

"Our problem had been that we were letting up with about a minute to play," Hyde said. "We called a meeting, let everybody tell some truths and we came out a better team."

The Gators, now 4-3-1, host the University of the Pacific Saturday at 2 p.m.

Soccer — women

In a game marred by 34 fouls and three ejections, the women's soccer team lost 3-1 to Hayward State at Maloney Field yesterday.

Millie Dydasco scored the Gators' lone goal in the first half. Her sister, Lourdes, and a Hayward State player were tossed out of the game in the second period for fighting.

The Gators travel to Rohnert Park Tuesday for a game against Sonoma State at 1 p.m.

Volleyball — women

The women's volleyball team defeated Cal State Chico, 3-0, at Chico Saturday night.

The Gators, scoring 15-8, 15-10 and 15-11, improved their conference record to 2-0. They are 5-5 overall. Chico's record now stands at 2-1 in conference play and 4-6 overall.

The team plays two home games, Friday vs. Cal State Humboldt, 7:30 p.m., and Saturday vs. Sonoma State, 7:30 p.m., before traveling to Sacramento for Wednesday's 7 p.m. match vs. Cal State

Sacramento. All three are conference matches.

Cross Country — men and women

The men's and women's teams both finished third in last Saturday's SF State Invitational meet at Crystal Springs in Belmont.

UC Davis, 27 points, won the women's division of the seven school competition. Second place College of Notre Dame's 56 points bettered the Gators' 98 points.

Sharon Jennings, 13th overall, was the first Gator home with a 20:05 time for the 5K run. Diane Burger, 14th overall, finished in 20:13.

The Gators' 3rd overall with 92 points, were led by Sal Casillas, 15th overall, with a 10K time of 36:56. Casillas' 15th place finish the week before also led the Gators. Harold Radin, 16th overall, finished in 37:01.

This Saturday, both teams travel to Arcata for the Humboldt Invitational meet, 11 a.m.

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Stop in and see the new Excitement at
The Gold Coast!

Backwords

Fishermen vs. seals: who will survive?

By Greg Baisden

Huddled together under the afternoon sun, six California sea lions rest on the slick blue floor of their pen. They are wards of the California Marine Mammal Center, a rescue and rehabilitation facility for ill and injured marine mammals in the Marin headlands near Sausalito.

Two of the sea lions are young pups, lost from their mothers in the ravaging storms of winter 1983. The other four are adolescents and they are blind.

But the sea lion nearest the gate is different, if not special. Its eyes were not destroyed by cataracts or disease. They were destroyed by gunfire.

Rescued near Monterey, this pinniped, or flipped mammal, is at the center of a continuing, century-long battle between fishermen and biologists, with the California Department of Fish and Game the ostensible referee.

Emotion and logic run high on both sides. Many fishermen consider seals, sea lions and porpoises to be destructive competitors for San Francisco Bay's dwindling crop of fish. To protect their catch, and their gear, they want to increase their "take" — the legal killing — of these "overpopulated pests." Quotas for such killing are set for individual fisheries by the National Marine Fisheries Service, based near Los Angeles.

Scientists protest in bitter opposition. They claim certain species are being intentionally killed in large numbers, unnecessarily, with unforeseeable costs to the Bay's fragile ecology.

Dr. Laurie Gage, Marine World's resident veterinarian and a member of the CMMC staff, called human-inflicted wounds from guns or nets "common enough."

"Gunshot wounds are most common among young adult California sea lions," Gage said. "We see at least one or two a month [at the Center]." Although Gage said most animals shot do not survive and are therefore never treated at CMMC, she called the wounding of marine mammals "not a serious problem."

Jackie Schonewald, a zoologist with the California Academy of Sciences, disagrees. Her studies reveal disturbing evidence of shooting and net-related fatalities. Of 101 marine mammals found dead along the Northern California coast from June to October 1983 — the height of herring season — and later studied by the zoologist, 25 showed "evidence of fisheries interaction" as a cause of death. In other words, 24.7 percent — a quarter — of all marine mammals found dead on Northern California beaches in a four-month period were killed in encounters with humans.

Schonewald attributes many of these fatalities to commercial fisheries. "When you find an animal with a full stomach, sometimes a full mouth, with thick blubber — a healthy animal that had no reason to die — you can see the patterns clearly," she said.

"In general, a number of cases this last year came from South San Mateo, near San Gregorio, and from Pacifica, where the [fishing] boats and nets were. It was Stinson Beach in 1982; now the [fishing] nets have moved to San Mateo. The casualties have, too."

"The pattern was so precise," Schonewald concluded, "even without gill [net] marks, you [can] tell in many cases."

According to Schonewald, the number of "slashed and mutilated animals" from Stinson Beach to Monterey rose sharply in the 1982-83 season. Beached pinniped corpses with "obvious marks of nets," she said, shot up to 31 in 1982, reaching 38 in 1983. In the past seasons, she said, finding 15 to 20 beached animals was "about normal."

These findings are corroborated by Robert E. Jones, a marine biologist at the University of California's Museum of Vertebrate Zoology in Berkeley. Pulling open a storage locker in his office, he reveals a dozen skulls of various sizes. All of these sea lions, he says, were victims of trammel nets.

There are two types of particularly fatal nets. Trammel nets consist of three layers, with a central net of finer mesh to catch fish passing through the others. Trammel nets drown marine mammals by holding them under water. Gill nets stand upright in the water and catch fish by biting into their gills as they try to back out of the yoke-like mesh. These nets cause severe damage by cutting into the entangled catch.

CMMC has handled at least one confirmed gill net casualty, according to Director of Animal Care Debbie Vanderbroek.

"One sea lion was definitely wounded by gill nets," she said. "The net was still around its neck [and] had severed its trachea. We've had a couple of others that we suspected were wounded by gill nets, but without the actual net, the wounds could be from a number of things. But," she added, "we don't check out dead animals and often those hurt by gill nets are killed or drown."

Fishermen are permitted to kill marine mammals only if they are damaging catch or gear. The necessary permit, a Certificate of Inclusion, is available to any commercial fishery with a valid California fishing license.

But "lethal force," according to NMFS Deputy Special Agent Lloyd Richards, "is the very last resort."

Fishermen are first required to try to scare an animal away. One method is detonating crackers, small explosives similar to M-80 firecrackers. Only if an animal persists may it be shot.

"An animal can only be shot if it's doing actual damage to gear, the catch or humans," said Richards. But he admitted that "when some get the permit, they seem to feel it's a hunting license."

"There is a problem out there," said Richards. "In December [1983], we initiated 13 [court] cases in a two-week period. That's unusual. In the middle of November through January, things usually slow down. But this season, we've had a lot of problems with sea lion shootings."

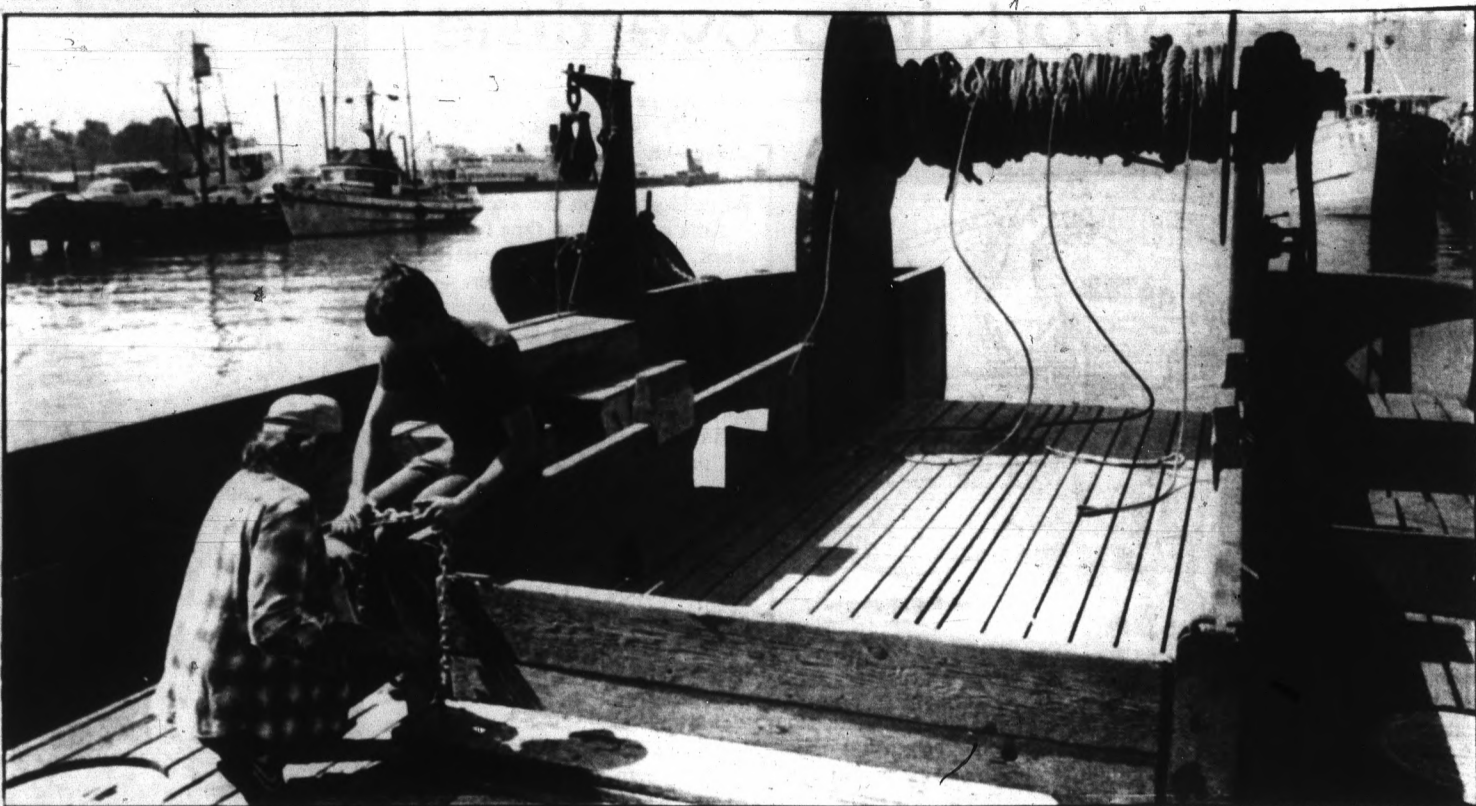
One of the problems may be a weakness in the inclusion statute itself. Law requires a fishery to submit to NMFS a log of all pinnipeds killed during the fishing process. But no fine, suspension of permit or any other action is specified for failing to file the required reports. And, according to NMFS biologist Dana Seagars, the agency "probably receive[s] three or two [reports] a month." This is out of about 400 inclusion permits issued each year, he said.

"Enforcement is admittedly poor," said Seagars. "The law is hard to enforce and the Fisheries [Service] staff is very small [two NMFS officers each in Los Angeles, San Francisco and Portland]. You have to be on the site of the violation and report it within five days of coming to port."

To strengthen NMFS's hand in enforcement, the California Department of Fish and Game is contracted to help patrol the coast in search of violators.

"Basically, we do the investigating," said Duane Johnston, the department's chief of patrol. "We find out the facts [of inclusion violation], give them to National Marine Fisheries and they take it to court."

"We see only about 2 percent of the violations and arrest a percentage of those," Johnston said. He characterized enforcement against illegal inclusion as "almost non-existent."



Fishermen at Pier 45 in San Francisco ready their gear for another fishing expedition on the Bay.

"There's not a lot you can do, in my opinion," Richards said. "If there was no taking by lethal means, enforcement would be easier. It's proving the steps that are or aren't taken before the shooting that's the problem. The certificate is very simple in what it allows and doesn't. It's proving it wasn't adhered to that creates the problem."

On top of non-adherence to the law and an already small force, Gov. George Deukmejian's call for a statewide 3 percent across-the-board cut in work power will reduce enforcement personnel further. And this at a time when a report by NMFS researcher Dan Miller estimates 2,000 sea lions will die statewide during the 1984 California fishing season, as many as 400 by gunfire.

Wildlife biologist Seagars remains calm. "You have to put that [estimate] in the context of the overall population [of California sea lions]," he said. "There are approximately 140,000 to 150,000 total, including Baja. The number of animals killed is incidental to the population; it tends to be an insignificant number. Any animal killed is unfortunate but, looking at it as a factor of population, it doesn't mean that much."

Such remarks have found credence with those fishermen supporting increased inclusion quotas.

But Jones scoffs. "It's a hard-core fact," he said. "Out of 101 animals examined a year, 20 percent have been intentionally shot."

"It is, or potentially is, a problem because of unknowns. Biologically, if the animals are a relatively long-lived species, as are pinnipeds, their reproduction will be lower, slower. Now maybe that's not a significant number in the sea lion population, but 20 percent of an unknown figure, for instance the California harbor porpoise, is potentially significant."

Jones claims that an inordinate percentage of a species' population may become eligible for inclusion because no one can know the actual numbers of certain species and because there have been no reports of previous "takes."

"How can you establish the number of permissible killings when you don't know the size of population or the rate at which these animals are being killed?" Jones said.

"For example, say you have 100 harbor porpoises. If the population of those animals is 1,000 [plus or minus], 10 percent annual mortality from that population is significant in long-lived species. The point is, we don't know how many porpoises there are, so how do we know what is significant? And how can we establish allowable numbers of take?"

Jones' hypothesis gains weight considering the fact that harbor porpoises, for example, are sighted only rarely. Many scientists believe the harbor porpoise population to be quite small.

Yet fisheries do not typically fill their quotas with one species. But Jones insists that fact is inconsequential: "There ain't no report! And there is no previous record of how many were taken under the last permit — porpoises, seals, or any marine mammal," he said.

And fisheries are now calling for higher quotas of inclusion. The main reason for this is the declining fish harvest yielded each year by San Francisco Bay. As reported in the Feb. 23, 1984, San Francisco Chronicle, even the \$20 million an-

nual herring catch, "the Bay's last viable commercial fishery, is in danger of collapse."

The annual herring quota for San Francisco fisheries has doubled since 1977, rising to 10,000 tons in the past five years. Biologists Steven Obreski and Joel Hedgebeth, concluding a two-year study commissioned by San Francisco's Ocean Research Institute, a non-profit environmental group, reported that "herring stocks may be at the point of no return."

Faced with the decline of their major catch and fixed, when not rising, costs, commercial fisheries cast an unresponsive eye on anything that reduces their catch.

"The fishermen feel they are protecting their livelihood," said CDFG's Johnston. "They're just

Giannini said the conflict between marine mammals — specifically sea lions — and fishermen could be eased by the CDFG.

"It's a management problem," he said. "They have to look for an overall balance; somewhere you've got to take the people into consideration. There must be 100,000 sea lions out there and the Fish and Game has basically said 'leave them alone.' I think they'd better face reality."

"Most fishermen realize the ocean is a nesting ground and there must be a balance. It can't be no mammals and all fishermen," he said. "But on the other hand, it can't be all mammals and no fishermen. There has to be a balance."

CMMC's Debbie Vanderbroek agreed. "A lot of fish that seals eat

been made that [mammal] feces has an important role in the food chain, by drawing fish into the area. When there are large populations of seals, there is an abundance of basic fish life. In other words, these animals are actually creating their own eating environment."

Attorney Zeke Grader directs the Pacific Coast Federation of Fishermen's Associations, which administers inclusion permits for many of the West Coast's fishermen. He said NMFS has never told him of problems with inclusion reports.

"We respond when we hear there's a problem," Grader said; "absent hearing about it, we can't do anything. I'm at a loss if NMFS says there's a problem. If they think there is one, they should send a formal letter to us."

Grader said the only correspondence he has had from NMFS in the last six years concerned renewal of inclusion permits. While he can only advise fishermen of their legal obligations to report mammal inclusions, Grader said, he must be aware of failure to comply to know such action is necessary.

He admitted, however, that fishermen are often reluctant to file inclusion reports. "They find disturbing things," he said, "but aren't sure how to report them because they fear it coming back on themselves, incriminating themselves and becoming liable for potentially large fines."

"A lot of fishermen, I don't care what the subject, just don't want to talk too much," he said.

Indeed, personnel at three San Francisco fisheries preferred not to discuss "marine mammal interaction."

Marine biologists warn of overfishing and unnecessary killing. Fishermen worry about rapidly declining harvests: half-way through the 1984 season, only 10 to 20 percent of the 10,000-ton herring quota had been reached. Biologists consider the number of seals killed to be significant. Fishermen, by and large, do not, and ask for increased inclusion to ward off a bothersome, abundant pest.

Solutions have been proposed. Fish and Game is working closely with NMFS to accurately count the sea lion and seal populations, information vital to practical, acceptable inclusion quotas. The department has also called for permitting sporting boats to scare away pinnipeds with crackers and seal bombs in the hope that allowing non-lethal weapons will end illegal deaths. And fishermen are meeting with ecologists to find an answer acceptable to both.

But most significant was the adoption two months ago of gill net legislation sponsored by state Sen. Milton Marks of San Francisco. The Marks Bill limits gill and trammel net use in the shallow coastal waters of Marin and San Mateo counties from May 1 to Sept. 30, the traditional halibut fishing season. The bill, which Deukmejian signed into law May 31, includes special regulations on gill nets in Monterey Bay and places a one-year moratorium on the issuance of new gill net permits.

Nevertheless, all parties remain cautious. "I'm pleased with [the bill]," said Zeke Grader, "but I don't have any illusion that everything is finished."

Special thanks to John Howes for top photo.



This seal is having a bullet removed from its face after washing up wounded on shore near Marin.

trying to keep the seals from taking food out of their mouths."

Seagars elaborated: "First of all, you have to understand that fishermen don't go out there to get marine mammals. It takes a lot of time to get these animals out from their nets so they try to avoid getting the animals at all costs. And they really do try to scare them away. It's not in their interest to have dealings with these animals."

"First, of course, we try scaring the sea lions away," said Jody Giannini of Laurel Bay. A third-generation fisherman, Giannini owns Marine Service and Equipment, a supplier for commercial fisheries. Giannini also owns a commercial trawler.

"We use seal bombs, sonic noise-makers," he said, "but if they're too thick, you just have to get out of the area."

Although sea lions "eat the fish right out of the nets," Giannini said, "you can't blame the mammals; there's just too many of them, that's all."

"They're especially bad on salmon," he said. "You spend \$100 a day on fuel and equipment and the sea lions get into the nets and feast. How many pounds does a sea lion eat a day — 100 or 200 pounds? And the bulls weigh a ton and eat so damn many fish. The damn sea lions follow you all the time."

"But killing can only be a last-ditch effort, unless you're in a good area of fish and you just can't shake them," Giannini added. "You can't just kill them."

are not the same as those the fishermen are out there for."

Some evidence for these claims is provided by Jones' October 1981 report, "Food Habits of Smaller Marine Mammals from Northern California." According to this California Academy of Sciences report, the late zoologist Art Kelly found in 1973 that Pacific hake, a non-commercial cod, comprised 48.1 percent of the stomach content in California sea lions. Pacific mackerel, anchovy, perch and white croaker combined for another 15.6 percent.

Jones reports that from April to September 1969, the Briggs and Davis research team, whose findings were published by CDFG in 1972, observed seven instances of predation [feeding] on salmon by California sea lions. From 30 sea lion carcasses studied by Jones during that same period, he found evidence of 922 consumed fish from 461 distinct species. Only one of those fish consumed, according to Jones, was a salmon.

Jones found that Pacific hake and anchovy made up 86.6 percent of stomach content. In short, "commercial" fish, herring and salmon particularly, were unsubstantial elements of the marine mammal diets studied. Seals and sea lions, Jones concludes, are not conspicuous competitors for commercial fish.

"Some people believe the waters are overfished," CMMC's Linda Calhoun said. "One response to that is to kill seals to eliminate competition. But positive studies have